

**ORDER BELOW EX. 42.****(Passed On 22<sup>nd</sup> April, 2022)**

1. This is an application under Order 1 Rule 10 of C.P.C. preferred by plaintiff for adding plaintiff No. 2 to 8 as necessary parties in present suit.

2. Perused the application and read the reply of defendants. I have heard Mr. S.A. Shelke learned counsel for plaintiff and Mr. S.D. Jadhav learned counsel for defendant No. 1 to 6 and 8 at length.

3. Mr. Shelke submitted that plaintiff has filed present suit for injunction against defendants. Mr. Shelke submitted that on 18-08-2018 partition has taken place between him and his brother and accordingly names are mutated in the suit properties. Mr. Shelke submitted that even after death of his wife names of legal heirs of his wife are mutated in the properties. Mr. Shelke learned counsel for plaintiff submitted in consonance to his application and further submitted that persons mentioned in application as proposed plaintiff No. 2 to 8 are necessary parties in the suit and as described in instant application needs to be added as plaintiff No. 2 to 8 and accordingly prayed to allow the instant application.

4. Mr. Jadhav learned counsel for defendant No. 1 to 6 and 8 vehemently opposed the instant application and submitted that the instant application at this stage is not maintainable. Mr. Jadhav submitted that present application is filed at

belated stage besides this plaintiff was aware about the said fact and even this Court has framed issues on 22-11-2019. Mr. Jadhav submitted that the afore said facts itself reveals that plaintiff was acquainted well with the aforesaid facts. Mr. Jadhav submitted that present application is filed deliberately by plaintiff just to delay the present matter. Mr. Jadhav submitted that proposed plaintiff No. 2 to 8 in the present suit are not necessary parties in the instant matter and prayed to out rightly reject it with heavy cost.

5. On perusal of record and pleadings of rival sides it seems that mutation of names were carried out and partition of plaintiff and his brother was carried out on 18-08-2018 and even this Court had framed issues at Ex. 37 on 22-11-2019. The plaintiff has not pleaded about the reasons of delay for not preferring the present application within reasonable time. In order to avoid multiple litigation and to effectually and completely adjudicate upon and settle all questions involved in the present suit, proposed plaintiff No. 2 to 8 needs to be added as plaintiff No. 2 to 8 in the present suit. This Court is satisfied that the proposed plaintiff No. 2 to 8 are necessary parties for the purpose of determining the real questions in controversy between the parties and for the fair adjudication of trial and no prejudice would be caused to other defendants if they are compensated with cost. In the result, I am inclined to pass the following order.

**ORDER**

1. The application at Ex. 42 is allowed.
2. The plaintiff is directed to add plaintiff No. 2 to 8 as stated out in application subject to payment of cost of Rs. 750/- (Seven Hundred And Fifty Only) in DLSA/TLISA and Rs. 750/- (Seven Hundred And Fifty Only) to other side within two weeks from today.
3. On failure to pay all costs due on defendants within two weeks from today, the instant application shall stand automatically rejected and matter would proceed further in accordance with law.

**Place :- Chandwad.**

**Date :- 22-04-2022.**

**(N. A. Ingley)**  
**Civil Judge Junior Division**  
**Chandwad**