

**ORDER BELOW EXH.49 IN RCS NO. 319/2015**

- 1] The intervenor have filed present application to implead them as the defendants in the present suit.
- 2] They contended that, the suit properties are ancestral properties. Shalani and Sarubai are Lingappa's sister and Mangal is Lingappa's sister's daughter. They are member of joint family and having share in the suit properties. Therefore, prayed to implead them as party to the suit.
- 3] The plaintiffs have filed their written say and gave consent to implead the intervenor as defendants in the suit.
- 4] Heard both sides. Perused the present application, say, the plaint and documents.
- 5] The plaintiffs have filed present suit for partition and separate possession in respect of immovable properties more particularly mentioned in the claim.
- 6] The plaintiffs have admitted their relationship with the intervenor. It is evident that the intervenor are having concern with the suit properties as they are joint family member of plaintiffs and defendants.
- 7] In order to decide the suit of partition, all members of joint family are require to be impleaded as either plaintiff or defendant.
- 8] A necessary party means a person who ought to have been

joined as a party and in whose absence no effective decree could be pass at all by the Court. It is settled that if a necessary party is not impleaded the suit itself is liable to dismissed.

9] Considering the above discussion and documents, it appears prima facie that the intervenor has direct relation with the suit property. Therefore, the intervenor is necessary party to the present suit. Whatever, may be the orders passed in the present suit shall be binding upon the intervenor. Therefore, they are require to be implead in the present suit as defendant no.9, 10 and 11. By impleading the intervenor in the suit, it will be facilitated to file their say and their written statements to the plaint. It will be necessary to implead the proposed defendants to decide the present suit on merit. Hence, I proceed to pass the following order.

**ORDER**

1. Application is allowed.
2. The plaintiff shall implead the intervenor namely Shalani Annasaheb Dabhale, Sarubai Harishchandra Wadave and Mangal Mohan Maske as defendant no.9 to 11 and shall carry out necessary amendment in the plaint and supply the amended plaint copy within 14 days.

Date : 10/11/2022.

(M.M.Nikam)  
Civil Judge J.D. Tuljapur.  
Dist. Osmanabad.

**-: CERTIFICATE :-**

I affirm that the contents of the P.D.F. file order are same, word to word,  
as per the original Order.

Name of the Stenographer	M.F. Quadri
Name of Court	Shri. M. M. Nikam
Date of Dictation	10.11.2022
Order signed by the P.O. on	10.11.2022
Order uploaded on	11.11.2022