

MHOS150005342020



R.C.S. No. 324/2020
Vilas Vs. Kantilal & Ors.
CNR: MHOS150005342020

ORDER BELOW EXH. 38

Perused the application and say filed thereon.
Heard Learned Counsels for the plaintiff and defendant.

2. By this application the plaintiff wants to add the purchaser of property that namely Dattatrya Namdeo Jagtap the defendant no. 1 has executed sale-deed of field gat no. 164 area 00 H 40 R in the name of Dattatrya Namdeo Jagtap. So also, the plaintiff wants to add Prathmesh Kantilal Chavhan, Kiran Kantilal Chavhan and Vaishali Kantilal Chavhan as they had filed suit R.C.S. No. 590/2023 in respect of till field gat no. 164 area 02 H 83 R situated at Ingonda, Tq. Paranda against the defendant no. 1 and compromise the matter, and therefore it is necessary to claim relief regarding decree pass in R.C.S.No. 590/2023.

3. Call the say of defendants. Defendant no. 1 to 3 not filed their say. Defendant no. 4 filed say and objected the said application. Heard learned counsel of the plaintiff and defendant no. 4. Perused the record. The suit property in respect of which the plaintiff has

filed suit is prima facie appearing to be the ancestral property of plaintiffs and defendant, it is undivided. Pending litigation in respect of suit property, the defendant no. 1 has no right to dispose of property. Even he disposed of the property by sale-deed and by partition by filing suit and compromising it. Therefore to decide the real controversy between the parties and to decide the matter on merit, it is necessary to add the purchaser of the property and the person illegally getting right in property as parties to the suit they are necessary parties, and so also it is necessary to amend the plaint as prayed. Hence, I proceed to pass the following order.

O R D E R

- 1) Application is allowed.
- 2) The plaintiff is directed to carry out amendment within 7 days.
- 3) Costs in cause.

Date :-01/02/2025.

Sd/-
(Dilip G. Jagtap)
Jt. CJJD, Paranda.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. V.N.Phurade
Name of Court	Shri. Dilip G. Jagtap, Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	01/02/2025
Judgment signed by the P.O. on	01/02/2025
Judgment/Order uploaded on	01/02/2025