

ORDER PASSED BELOW EXH.No.39 IN R.C.S. NO. 116/2010
(Sharadchandra vs. Kashinath)

1. Present application is filed by the plaintiff for addition of party defendants in the present suit. Present suit is for recovery of possession. It is contention of the plaintiff that, during the pendency of the suit, Court-Commissioner was appointed for measurement of the suit property. Accordingly, Court-Commissioner filed his report and in his report it appears that, 0.09R land out of the suit property is in possession of one Shaikh Wajir s/o Shaikh Musa and Shaikh Isa s/o Shaikh Musa. Therefore, said persons are necessary party in the present suit. But they are not party in the present suit. Hence, they be added as party defendants.
2. Defendant filed his say and submitted that, proper order be passed.
3. I have perused the application and say. I have also perused the report filed by the Court-Commissioner. It appears that, some land out of the suit property is in possession of Shaikh Wajir s/o Shaikh Musa and Shaikh Isa s/o Shaikh Musa. Present suit is for recovery of possession of the suit property. Therefore, in my view, said persons are the necessary party in the present suit. In their absence, suit

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cannot be properly adjudicated. Hence, considering the above facts and circumstances, I pass following order:

ORDER

- 1) The application is hereby allowed.
- 2) The plaintiff is hereby directed to add Shaikh Wajir s/o Shaikh Musa and Shaikh Isa s/o Shaikh Musa as party defendants in the present suit within two weeks.

Sd/-

Date: 01/09/2018.

(K. M. Chandaliya)
Jt. Civil Judge, Junior Division,
Court No. 02, Jintur.