

CNR :MHPU100001152025



IN THE COURT OF CIVIL JUDGE (JR. DN.) P.C.M.C. COURT AKURDI, PUNE.
R.C.S. No. 111/2025
Shivabai Sangapure
Vs.
P.C.M.C. & Ors

ORDER (Below Exh.29)

(Passed on dated 08/07/2026)

This is an application filed by applicant Nagnath Baburao Adsule (Third Person), under order 1 rule 10 of Code of Civil Procedure for adding defendant no. 3 as a necessary party in a suit.

02. Called say of plaintiff. She have given her say below Exh.32.

03. The applicant submitted that, the plaintiff have filed present suit against defendant for perpetual injunction. The plaintiff has willfully concealed the material facts from the Court that, the person claiming through the plaintiff is not owner and possessor of the suit property. She neither have any right title nor any interest in the said demolish stair case in any manner. The applicant further submitted that, he is owner and possessor of the property out of survey no. 17 of village Bhosari from North side of suit premises. On the complaint of applicant, the

defendant took the action and removed the illegal construction by legal procedure. By playing illegal tactics the plaintiff got Ex-parte injunction and by misusing the said injunction order, she is trying to re-construct the demolished stair case illegally. The applicant is having direct interest involved in the subject matter. Hence, he moved this application for adding him as defendant no. 3 in the suit for proper adjudication of trial.

04. On the other hand, plaintiff have strongly opposed the application and argued that, the applicant have obstructing for using the commons stair cases which have erected in their respective properties. They wants to close their way and on this count they doing quarrels towards plaintiff. The applicant have no any locus standi to file such application. Hence, prayed for to reject the application.

05. Heard Ld. Adv. Pradip Manav for applicant and Ld. Adv. Shri. Kashid for plaintiff at length. Considering the submission, following points arise for my determination and my findings with reasons is as follows.

Sr. no.	Points	Findings
1)	Whether the applicant (Third person) is necessary party to join in a array of defendants, in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit?	Yes
2)	What Order?	As per final order

REASONS

06. As to point no. 1 and 2: -

Perused whole record and documents. Record shows that, suit is filed for declaration and permanent injunction. The applicant have filed this application for adding him as a defendant no. 3 and join him in a suit as a necessary party. Moreover, he have filed an affidavit for support of his application. The order 1 rule 10 (2) of C. P. C. is as follows -

“(2) Court may strike out or add parties :-

The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of nay person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”

07. After reading the above said provision then it shows that, court may at any stage of the proceeding either upon for without the application may joined as a parties to the suit. Means, it is a discretionary power of the court. A necessary party is one without whom no order can be made effectively. The court is empowered to join a person who's presence is necessary. Moreover, the plaintiff have came before the court for to restrain the defendants from demolishing the construction of the stair case premises and relief asked for permanent injunction.

08. As per the contentions of the applicant he is a necessary party in a suit. The applicant emphasis on that, plaintiff is not owner of and possessor of the suit property. For support of ownership the applicant have sale-deed document no.1614/1996, dated 26/02/1996. After minutely scrutinized the above dated sale-deed they need shows that, the applicant (Third party) is owner of survey no. 17 part 1/3 $\frac{1}{3}$ area 500 Sq. Ft. The suit property is also same. I think there is a weight in the argument of applicant. Moreover, in plaint and reply Exh. 32 the plaintiff admitted that, there is a commons stair case in the suit property. I think the presence of applicant is necessary in the suit.

09. Therefore, considering this facts, it shows that, applicant is necessary party in the suit. To avoid multiplicity of proceeding, and to resolve the controversy between the parties I think it is necessary to join him in a array of defendant. There is no hurdle to the plaintiff.

10. Considering all the facts and circumstances of this case, and to resolve the real dispute between the parties and without their presence court is unable to pass order effectually. Therefore I answered point no 1 in affirmative and in answer to point no 2, I proceed to pass the following order :-

ORDER

- 1) The application is hereby allowed.
- 2) The applicant namely Nagnath Baburao Adsule is permitted to join in array of defendant as a defendant no. 3.

- 3) Plaintiff is directed to amend the plaint (Exh. 01) and add the applicant in a array of defendant and file amended copy of plaint within 14 days.

Dated: 08/07/2026.

Sd/-xxx
(V. S. Damare)
Civil Judge Junior Division
P.C.M.C. Court, Akurdi, Pune.

CERTIFICATE

"I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Stenographer	:-	Gaurav A. Bobade (Grade III)
Court Name	:-	Shri. V. S. Damare, Civil Judge Junior Division, (P.C.M.C.), Court, Akurdi, Pune.
Date	:-	08/07/2026.
Order signed by presiding officer on	:-	08/07/2026.
Order uploaded on	:-	08/07/2026.