

ORDER BELOW Exh.111
CNR NO.MHPU100007952010

1

R.C.S. No.228/2010

Dnyaneshwar Londhe & Other 1

-Vs.-

Pimpri Chinchwad Municipal Corporation & Ors.



ORDER BELOW EXH.111
(Passed on 07/10/2022)

1. Nature of application-

The present application is filed for seeking relief of transposition of the present applicant as the plaintiff no. 3 in original suit R.C.S. No. 1/2004.

2. Brief facts of this case are as under:

Initially a civil suit R.C.S. No. 1/2004 was instituted. The defendants no. 2 to 5 were incorporated in the suit later on by virtue of an order on their application to include them in the capacity of the defendants. The defendants no. 2 to 5 filed written statement along with the counter claim. Original suit R.C.S. No. 1/2004 was dismissed. The counter claim of defendants no. 2 to 5 continued and it was given number as R.C.S. No. 228/2010. This counter claim is obviously against the plaintiff. But, the defendant no. 6 is member of Devkar Plaza Society constructed on the suit property belonging to the plaintiff. Hence, to contest the counter claim of the defendants no. 2 to 5 by way of filing written statement, it is necessary to include the defendant no. 6 as the plaintiff in the original suit R.C.S. No. 1/2004 as plaintiff.

3. The defendants no. 2 to 5 filed say at Exh. 113. It is contended therein that the application is devoid of merit. The civil suit

R.C.S. No. 1/2004 is dismissed. Hence, this application has to be dismissed.

4. Heard ld. Advocate for the defendants no. 2 to 5. Even after number of opportunities and repeated calls, nobody appeared on behalf of the applicant to argue. I assumed that the contents of the present application would be the contents of the argument of the applicant. Hence, I am proceeding further to decide this application as the matter is very old and calls for the speedy disposal. On perusing the application, say and record of the suit, it transpired that the original civil suit R.C.S. No. 1/2004 is already dismissed. It appears that the applicant i.e. the defendant no. 6 is praying for transposing him as plaintiff in original civil suit R.C.S. No. 1/2004. But, as this original suit itself was dismissed, it is not possible to transpose the applicant as plaintiff in that suit. Therefore, the application has to be rejected in my considered opinion. Accordingly, I proceed to pass the following order -

ORDER

The application is rejected.

Dated: 07/10/2022.

(S. P. Kulkarni)
Civil Judge Junior Division
P.C.M.C. Court, Akurdi, Pune.

ORDER BELOW Exh.111
CNR NO.MHPU100007952010

3

R.C.S. No.228/2010

Dnyaneshwar Londhe & Other 1

-Vs.-

Pimpri Chinchwad Municipal Corporation & Ors.

CERTIFICATE

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

Name of Stenographer	:-	B.C. Karnikar(Grade III)
Court Name	:-	Smt. S. P. Kulkarni (J.M.F.C.) Civil and Criminal Court (P.C.M.C.), Akurdi, Pune.
Date	:-	07/10/2022
Judgment signed by presiding officer on	:-	07/10/2022
Judgment uploaded on	:-	07/10/2022