



ORDER BELOW EXH. 44

1. The third party applicants (1) Sunita Balasaheb Lonkar, (2) Bharat Namdeo Bankar, (3) Hemlata Suryaji Nevse and (4) Sonali Satish Shewate have filed present application under Order I Rule 10 of the Civil Procedure Code. This application is supported by affidavit of Sonali Shewate at Exh.45. I have perused the application and the say of plaintiff at Exh.48. I have heard Mr Ajeet Memane, counsel for plaintiff and adv. Attar for third party.

2. In short, it is alleged by the third party applicants that Hemlata, Supriya Shailesh Belekar, Sonali are daughters and Bharat is the son of Shobha Namdeo Bankar. Now Shobha Namdeo Bankar is no more. Present third party applicant no.1 Sunita Balasaheb Lonkar and Rukhminibai were given share in the suit property. So also it is further alleged that Rukhminibai, Shobha and Sunita Pandurang Jadhav (after marriage name – Shobha Namdeo Bankar) had jointly instituted a suit bearing Regular Civil Suit no. 66 of 1984, however an area of 1 Hec 66

R plus pot kharab 0 H 16 R was given to Rukhminibai, Shobha and Sunita jointly and hence they were and are owners and possessors of the said portion. It is further alleged that, present third applicants are necessary parties to the suit for deciding the suit on merits at once, etc. However, the plaintiff in his say at Exh.48 denied the allegations made by the third party applicants. It is submitted by the plaintiff in the say that no documents are filed and there is no necessity to add present third party applicants in the present suit, etc.

3. After perusing the pleadings and documents on record, it is clear that the plaintiff has instituted present suit in respect of suit land bearing gut no.1948. This is a suit filed by plaintiff for declaration of ownership and possession with Injunction against defendants. The issues are framed by the court on 11.10.2022 at Exh.31 and the plaintiff has also filed evidence affidavit at Exh.32.

4. However, copy of decree in RCS no. 60 of 1981 do show that the suit was filed by Rukhminibai Pandurang Jagtap, Shobha Pandurang Jagtap and Sunita Pandurang Jagtap in which they were given share in the suit properties as per the decree. The decree further shows that it was also covering a

land bearing gut no.1948 on page no.12. Prima facie it appears from copy of mutation entry no. 1133 that as per Regular Darkhast no. 66 of 1984 portions of some lands including gut no.1948 were given to Rukhminibai Pandurang Jagtap. However, the names of the other plaintiffs in the aforesaid old suit do not appear in the said mutation entry. Therefore, at present it cannot be said that the third party applicants have no concern with the suit.

5. Therefore, after perusing pleadings of the parties and considering the documents filed on record, I am of the considered view that third party applicants are necessary parties to this suit without whom present suit cannot be finally disposed off. If the present third party applicants are not added in the suit then a proper and final decree cannot be passed. The object of an application for addition of party is to minimize the litigation and to decide the controversy in one suit. Therefore, in the interest of justice, for fair trial and considering all the record of this case, I am of the firm opinion that it is necessary to allow this application. So I pass following order.

R.C.S. No. 358/2018
Balu Vs. Rukmini
MHPU130013142018

ORDER

- I. The application for addition of party at Exh. 44 is hereby allowed.
- II. The plaintiff is directed to add third party applicants (1) Sunita Balasaheb Lonkar, (2) Bharat Namdeo Bankar, (3) Hemlata Suryaji Nevse and (4) Sonali Satish Shewate and Supriya Shailesh Belekar as defendants in the present suit.
- III. No costs.

Date : 14/10/2024

(Md. Taher Bilal)
Civil Judge Junior Division, Saswad.

**R.C.S. No. 358/2018
Balu Vs. Rukmini
MHPU130013142018**

CERTIFICATE

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

Name of Steno	: Nitin M. Shinde, Stenographer (Grade III)
Court Name	: Shri. Md. Taher Bilal Civil Judge Jr. Division, Saswad.
Date of Order	: 14.10.2024
Order signed by P.O.on	: 14.10.2024
Order uploaded on	: 14.10.2024