

MHPU180017612013



R.C.S. No. 101/2013

Vasantrao

Vs.

Namdeo and Ors.

ORDER BELOW EXH.40.

(Passed On 31/01/2026)

The present application is filed by the plaintiff on the ground that he has filed an application under Exhibit 48, proposing to add the revenue officer as a party to the present suit. Accordingly, the plaintiff seeks that the period and notice under Section 80 of the Code of Civil Procedure be waived. Conversely, the defendants opposed this application, submitting that it is not sustainable in the eyes of law, as there is no provision allowing a party to file such an application after the suit has been instituted. They further contend that the period of notice under Section 80 cannot be waived post filing of the suit. In view of the above, the defendants have requested that the present application be rejected.

2. Despite several opportunities being granted, both parties failed to appear before the Court and argue on the application. Accordingly, the application is now decided on its merits. This Court has already rejected the application filed under Exhibit 48, which forms the basis of the present application. Therefore, the proposed party cannot be added as a defendant in the suit, and the question of issuing notice under Section 80 of the CPC does not arise and cannot be waived. In view of the above, the present application is liable to be rejected. Thus, I pass the following order.

ORDER

The application filed under Exhibit 40 is hereby rejected.

Daund.
Dt.31/01/2026.

(A. S. Shaikh)
4th Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

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

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- A. S. Shaikh 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 31/01/2026.
Order / Judgment singed by	:- 31/01/2026.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 04/02/2026.