



ORDER BELOW EXH. 33
(Passed On 21/10/2022)

This is an application filed by third party persons to add them as necessary parties in the suit as under.

2. According to third persons the present suit filed by plaintiff against defendants in respect of the land admeasuring 1 H. 94 R out of gut no. 792/1 & 792/2 (old gut no. 788) situated at village Kangaon, Tal. Daund, Dist. Pune. (Herein referred as suit property) for partition and perpetual injunction. They got knowledge in respect of suit recently. Initially the suit property owned and possessed by father of plaintiff, defendant and them namely Ganpat Babaji Adsul. Therefore, they have also their share in the suit property. The plaintiff has knowledge about the same even though with intent to grab the share of these persons the plaintiff instituted the present suit with defendants. Therefore, it is necessary to add them as necessary party in the suit. Hence this application.

3. The plaintiff filed say to this application at Exh. 46 and thereby submitted that, the application filed by third persons is not maintainable and legal. Therefore, liable to be reject. According to plaintiff the suit property inherited to him by way of partition under section 85 and Maharashtra Land Revenue Code vide its order no. हक्क नोंद /वाटप/एस-आर/४०५/८९, दि. ०५/०८/१९८९. Furthermore, he also submitted that, though the third persons submitted that, they are legal heirs of deceased Kalawati Mahadeo Gajare they have not filed any certificate obtained from the competent Court. Therefore, the present application is not maintainable. The third persons have not raised their voice till 29

years therefore, this application is not tenable. Hence, he lastly prayed to reject the present application with heavy costs.

4. Perused the application. Heard both sides at considerable length. I have gone through the record, on perusal of the same it appears that, the third persons moved this application. According to third persons they are the heirs of deceased Kalawati and they have right in the suit property. No doubt the present suit is filed for partition and possession with injunction. However, third persons filed this application without supporting any documents in respect of their contention. So far as concern contention of the third persons they ought to have filed necessary documents which goes to shows that, their entitlement to suit property. Therefore, considering these aspects prima facie I have not find any substance in the application of the third persons and it deserves to be rejected. Hence, in the light of above discussion I proceed to pass following order.

ORDER

1. The application stands rejected.
2. No order as to costs.

Daund.
Dt. 21/10/2022

(Sharad B. Kaldate)
Jt. Civil Judge (Jr.Dn.),
Daund.

Certificate

I affirm that, the contents of this PDF File are same words to words, as per the original Judgment/Order.

Name of Stenographer : D. A. Merukar, Grade-3

Upload on date : 21/10/2022.