



Sima Dnyaneshwar Patil
alias Sima Suresh Kengale

Vs.

Nil.

ORDER BELOW EXH. 10

Third persons have filed the present application for addition of them as respondents under Order I Rule 10 of the Code of Civil Procedure 1908 (“C.P.C.”)

2. Applicants objected to the application by filing a reply.
3. Heard both sides. Considered their submissions.
4. The ld. Adv. for the third persons submitted that the present application is filed by applicants for obtaining the heirship certificate of deceased Dattatray Bhaguji Gengaje. The thirds got information regarding the present application as the proclamation of said application was affixed on Village Panchayat Office Pokhari and house of deceased. On 27/06/2014 the deceased Dattatray Bhaguji Gengaje executed the Will deed of his property and the cash present in the Sharad Sahkari Bank in favour of his maternal brother namely Baban Namdev Bhagit. Therefore it is necessary to file say of third persons to decide the application on merit. Hence third persons filed present application to add them as respondents.
5. The ld. Adv. for applicant filed their say at Exh.15 and submitted that the present application is false and frivolous. The contention of third persons regarding the will deed and account in Sharad Sahkari Bank is not accepted by applicants. The deceased Dattatray Bhaguji Gengaje did not hold any account

with Sharad Sahkari Bank. The third persons have not mentioned the place and branch of Sharad Sahkari Bank. Also they have not mentioned the exact amount present in the bank. The deceased Dattatray Bhaguji Gengaje never executed the Will deed.

6. He further submitted that the applicants filed a present application for obtaining the heirship certificate of deceased Dattatray Bhaguji Gengaje. The deceased has no heirs except applicants. The applicants filed present application for obtaining heirship certificate regarding the properties mentioned in the para No.1 of application. They have not filed an application for the amount present in the bank and Will deed. Third persons and applicants are not blood relatives. They don't have right to object the application. Hence he prayed to reject the application.

7. Perused the application, reply and the Will deed filed by the third persons.

8. Upon considering the rival submissions, it appears that the applicants claim exclusive heirship over the estate of the deceased. At the same time, the third persons have placed on record an alleged Will deed to show that the deceased had bequeathed his estate in favour of Baban Namdev Bhagit, through whom they claim their right. At this stage, it is not required to determine the genuineness, legality or enforceability of the said Will deed. However, the existence of such a document prima facie indicates that the third persons are claiming an interest in the estate of the deceased.

9. The object of Order I Rule 10 of the Code of Civil Procedure is to ensure that all persons whose presence is necessary for complete and effective adjudication are brought on record. It is well settled law that the court should make all the endeavors to avoid multiplicity of litigation and protraction of the

trial. The purpose of allowing the addition of third persons is to put at rest the controversy in the same suit. The intention of the legislature in framing order I rule 10 of C.P.C. is to encompass the subsequent events, if they are connected with the original cause of action and for effective adjudication of all the issues in the trial of the same litigation.

10. If third persons are not impleaded, any order passed in the present proceedings may give rise to further litigation. Therefore, the third persons are proper parties for adjudication of the present proceedings. Their impleadment would not prejudice the applicants, who shall have full opportunity to contest their claim. Therefore, in order to avoid multiplicity of proceedings the application deserves to be allowed in the interest of justice. Hence the following order is passed.

ORDER

- 1) The application is allowed with costs.
- 2) The applicants are directed to add a third persons as a respondents in the main application within 14 days from the date of the order and supply the amended copy of the main application to respondents and the court.

Sd/-

Place: Ghodegoan
Date: 01/07/2026

(Sneha Sunil Pulujkar)
2nd Joint Civil Judge Junior Division,
Ghodegoan, Dist. Pune.

CERTIFICATE

I affirm that the contents of this PDF file order are same word for word as per original order.

Name of the Court : Smt. Sneha Sunil Pulujkar,
2nd Jt. C.J.J.D. and J.M.F.C., Pune.

Name of the Steno : J. S. Kaite, Steno Grade - III.

Order date : 01/07/2026

Order signed by P.O. on : 01/07/2026

Order uploaded on : 01/07/2026