

ORDER BELOW EXH.68

This is an application under Order I Rule 10 of the Code of Civil Procedure.

2. The case of the plaintiff in short is that the suit is filed for partition and injunction. She came to know that the suit property is sold by defendant no.1 along with the power of attorney Girish Anand Prakash Mohan of Shakuntala Waman Khade and Kishor Waman Khade to M/s. Reward Capital Service Pvt.Ltd. Company through Girish Anand Prakash Mohan on 14.02.2012 by executing sale deed no.1061 of 2012 during pendency of the suit.

3. The defendant filed say and has strongly objected to the application.

4. The points for determination along with finding and the reasons thereon are as under:

	POINTS	FINDINGS
1	Whether the presence of third party is necessary in order to enable the court effectually and completely adjudicate all the questions involved in the suit?	Yes.
2	What order?	The Application is allowed.

REASONS

5. Read the plaint and written statement. Perused application and say filed by defendant. Heard both the learned advocates.

6. The suit property is sold during pendency of the suit. The suit is filed for partition and injunction. The proposed defendants are necessary party to the suit. Therefore, their addition in the suit as a party is necessary for the determination of the real matter in dispute.

7. Hence, I answer point no.1 in the “**affirmative**” and in answer to point no.2, I pass the following order:

ORDER

1. The application is allowed.
2. The plaintiff is directed to add the proposed defendants as a party to the suit within two weeks from the date of the order.
3. The plaintiff to comply with Order I Rule 4 of Code of Civil Procedure within three weeks from the date of this order.

Khalapur
Date:25.06.2018

(S.M.Gade)
Civil Judge Junior Division, Khalapur