

ORDER BELOW EXH. 19 IN R.C.S. No. 57 OF 2007

The present application is filed under Order I Rule 10 of the Code of Civil Procedure.

2. The applicants contended that the present suit is filed for correction in the sale deed no. 488 dated 06/09/1993. The applicants have filed the present application to implead them as defendant nos. 7, 8 and 9.

It is further contended that the husband of the defendant no. 1 had executed the sale deed in favour of the plaintiffs. The suit property was owned by Govind Vithoba Lad. Later on the husband of the defendant no. 1 and the husband of defendant no. 4 became the legal heirs. The suit property is an ancestral property. It was not partitioned between the legal heirs of Govind Vithoba Lad. The applicants have filed R.C.S. no. 26 of 2007 in this Court with respect to the suit property for declaring them as legal heirs. The present plaintiffs have appeared in that matter and have filed their written statement. But the plaintiffs have not impleaded them in the present suit. The suit property is an ancestral property. The applicants have interest and share in the suit property.

Hence prayed to allow the application.

3. The plaintiffs resisted the application vide their say at Exh. 22. The plaintiffs contended that the present suit is limited only to the point of correction in the sale deed executed in favour of the plaintiffs. The applicants are no way concerned with the said suit. The applicants are not party to the said sale deed. Hence they were not impleaded as defendants in the present suit. The

present application is filed to delay the matter. The present application is not tenable.

Hence prayed for rejection of the application.

4. Perused the application and say.

5. From the perusal of the record, it is apparent that the applicants are not impleaded in the suit property. The applicants contended that the suit property is an ancestral property. They have interest in the suit property. Hence it is necessary in the interest of justice to implead them as defendants. In view of the above, it is necessary to add the present applicants for effectual and complete adjudication and to settle all the questions involved in the suit.

Accordingly, the following order is passed :-

ORDER

1. The application (Exh. 19) is hereby allowed.
2. The plaintiff shall carry out the amendment in the plaint within ten days from the date of this order and the amended copy of the plaint be served on new defendant.
3. Parties to bear their own costs.

Mahad.
Date:

(J.T. Koregaonkar)
Jt. C.J.J.D., Mahad.