

**Order Below Exh. 37 in Special Civil Suit No.27/2024**  
**(Sou.Hemlata Kore Vs. Sou. Sudha Vader and Ors.)**  
**(CNR No. MHSN02001162024)**

This is an application under Order I Rule 10 and Order VI Rule 17 of Code of Civil Procedure.

2. It is contended that, present suit has been filed for specific performance, possession and injunction on the basis of oral agreement to sell. It is contended that, during pendency of the suit defendant No.1 to 3 have sold out the suit property to one Rukmini Abaso Omase on 17/10/2025. Said sale-deed is sham and bogus and has been executed only to create illusion of transaction. In fact no such transaction has taken place. Therefore, if at the end of trial the plaintiff succeeds in proving her case, I may become hurdle in execution of the decree. Therefore, to bring this subsequent event on record, it is necessary to implead the purchaser in the suit. Amendment sought for will neither change the nature of suit nor will cause any prejudice to the defendants. On the other hand if application is rejected then it may result in to irreparable loss to the plaintiff. On all these grounds the plaintiff prayed for allowing the application.

3. Defendants have resisted the application by filing say at Exh.40. They have denied all the contentions in the application. The defendants admitted that, during pendency of present suit they have executed sale-deed as alleged by the plaintiff for consideration of Rs. 65,51,000/-. Application has been moved only to prolong the matter and create multiplicity of litigation. Said sale-deed is subject

to the decision of this case. Therefore, no harm will be cause to the plaintiff if the suit is decreed. The sale-deed will be hit by the provisions lis-pendenc. Hence, no prejudice will be caused to the plaintiff. Hence, on all these and other grounds the defendants prayed for rejection of the application.

4. Heard both learned advocates and gone through the record of proceeding. Defendants themselves admit that, they have executed the sale-deed as alleged by the plaintiff during pendency of present suit. Further, they also admit that, the sale-deed will be subject to the decision of the suit. Therefore, in my view if the third party applicant is added as proper party in this suit then no prejudice will be cause to the defendants. On the other hand as alleged by the plaintiff, in case if the plaintiff succeeds in proving her case then there may be hurdle of the sale-deed in execution of the decree passed in favour of the plaintiff. Therefore, to avoid multiplicity of litigation and to decide all the controversial issues between the parties in respect of valuable immovable property, it will be just and proper to implead the proposed defendant as proper party to the suit. Thus, I pass following order:-

#### **ORDER**

1. Application (Exh.37) is hereby allowed.
2. The plaintiff is hereby directed to carryout necessary amendment within stipulated period and submit amended copy forthwith.

Sangli.  
Date : 07/03/2026

(Vibha P. Gaikwad)  
Jt. Civil Judge Sr.Dn.,Sangli.

**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 Stenographer. : D.S. Pawar, Grade-II

Court. : Jt.C.J.Sr.D.,Sangli.

Date. : 07/03/2026

Order signed by

the Presiding Officer on. : 10/03/2026

Order uploaded on. : 10/03/2026