



Order below Exh.67 in
Special Civil Suit No.230/2017
[Ramesh Shaha Vs. Premaji Shaha]

Plaintiff filed the present application under Order I Rule 10(2) of Code of Civil Procedure, 1908 for impleading the purchasers of suit property 1(B). As per plaintiff, they have purchased the suit property during the pendency of the present suit. As the suit is filed for partition, they are necessary parties to the present suit. Lastly, prayed for allowing the application.

(2). The defendants resisted the application by filing say at Exh.68. They contended that, the suit property, which is mentioned as 1(B) in plaint, is added subsequently after the filing of the present suit. Moreover, the suit properties are self acquired properties of defendant no.1, therefore, the plaintiff do not have any share in it. Lastly, prayed for rejection of application.

(3). Heard learned advocate Shri.R.B.Udagave for plaintiff and learned advocate Shri.S.S.Shaha for defendants at length. Perused the written notes of arguments filed by plaintiff at Exh.69 along-with following citations.

- (i). 2017(6) Mh.L.J.839, Shivprasad Venkatesh Kamat and another.
- (ii). AIR 2007 Supreme Court 1062, Dhanalakshmi & Ors. Vs. P Mohan & Ors.
- (iii). AIR 2009 (NOC) 2019 (ORI.), Abdul Taher Khan & Ors. Vs. Fatima Bibi & Ors.

(4). Perused application, say and record and proceeding. The present application is filed to implead the subsequent purchasers of suit

property mentioned as 1(B) in the plaint. As the suit is related to partition, therefore, the said proposed parties, who have purchased the suit property 1(B) during the pendency of the present suit, are required to be made parties. Moreover, the rulings, which are relied by the plaintiff, are squarely applies to the present suit. In view of this, the present application deserves to be allowed. Hence, the following order.

ORDER

- (1). The application at Exh.67 is hereby allowed.
- (2). The plaintiff is hereby directed to implead the proposed defendant nos.3 and 4 as a party to the present suit by making an amendment in title clause and to furnish the amended copy on record on or before next date.
- (3). After adding the proposed defendant nos.3 & 4 to present suit as defendants, suit summons be issued to them.

Sangli
Date:-06/11/2023.

Sd/xx
(M.M.Rao)
Civil Judge Sr. Dn., Sangli.

CERTIFICATE

I affirm that, the contents of this P.D.F file are same, word to word as per the original order.

Name of Stenographer	:	G.S.Parve
Court	:	Civil Judge Sr.Dn., Sangli
Date	:	06/11/2023
Order signed by the Presiding Officer on	:	06/11/2023
Order uploaded on	:	06/11/2023