

**ORDER BELOW EXH.35**  
**IN REG.CIVIL SUIT NO.113/2014**

01. This is an application filed by the third parties under Order I Rule 10 (2) of C.P.C. to implead them as party (defendants) in the suit. Perused the say filed by the plaintiff at Exh.40.

02. Heard learned Advocates for both the parties. It is submitted on behalf of third parties that, in a suit for partition and separate possession plaintiff has not come with the clean hands. Deceased Dhanaji Parasu Chavan i.e., father of the plaintiff is having second wife by name Ratnabai and she has one son by name Ganesh and a daughter by name Latabai who are the legal heirs of deceased Dhanaji Chavan. However, plaintiff has not made them party to the suit. They are necessary parties though they are not impleaded as party in the present suit. Hence, they prayed to implead them as defendants (party).

03. Plaintiff contested the application by filing his say below Exh.40 contending that, his father Dhanaji never married with Ratnabai. Ganesh and Latabai are not son and daughter of deceased Dhanaji. Third parties are no way concerned with the family of plaintiff and therefore, they are not entitled to be impleaded in the suit as per law. Hence, he prayed to reject the

application.

04.. In-support of this application along-with list Exh.42 third parties have filed on record 7x12 extracts of suit property situated at village Aravade. On the perusal of said documents it reveals that, names of third parties are entered as legal heirs of deceased Dhanaji Parasu Chavan who died on 8-2-2013. Even on the perusal of Form No.6 at Exh.43/1 it prima-facie shows that, present applicants are successor of deceased Dhanaji Parasu Chavan. Considering this fact it prima-facie appears that, third parties are necessary parties to the suit. Therefore, it would be worthwhile to implead them as defendants in the title clause of the suit. Hence, the following order.

### ORDER

01. The application (Exh.35) is allowed.
02. Plaintiff to implead applicants / third parties as defendants in the suit and carry out necessary amendment within 14 days from the date of this order.
03. Costs in cause.

Tasgaon.  
Date: 14-07-2016

Sd/-  
( S.S.Raut ),  
Jt.Civil Judge, J.D.Tasgaon.