

Order Below Exhibit no. 64
(Sandipan Vs Dada & ors.)

1. Plaintiff has filed present applications Exh.64 under O.6 R.17 of Code of Civil Procedure.
2. It is contention of plaintiff that, during pendency of suit for partition and possession defendant no.23 has executed Gift deed 20.50-R land out of suit property to proposed defendant 1.Nanasaheb Anna Tale and 2.Akaram Anna Tale on 23/12/2020. Plaintiff has registered notice of lease pendency in the concern office, still defendant no.23 has transferred the suit land. The deed executed is not binding on the share of plaintiff. Accordingly, prayer to amend the suit and implead the transferee as party defendant.
3. Defendant has filed the say overleaf the application and resisted the same. Defendants have denied all the contentions raised in the application. The plaintiff has not filed any documentary evidence to support their contentions. Hence prayed to reject both the applications.
4. Heard both the advocates. I have gone through the pleadings and documents filed on record. The suit is filed for partition and possession. Gat no.2550 is one of the suit property. Defendant no.23 has transferred part of suit property during the pendency of suit despite of having knowledge of pending suit. The proposed defendant has entered into the shoes of defendant no.23 to the extent of transferred portion. The proposed defendant is in possession to that extent. The suit being for partition and possession, the proposed defendant is necessary party for proper adjudication of the suit. Considering all these facts and circumstances I find merits in the

application. Accordingly, I pass the following order.

ORDER

1. The application at Exh.64 is allowed.
2. Plaintiff is permitted to carry out amendment as prayed in the application and implead proposed defendant in the title clause of the suit on or before next date.
3. Plaintiff shall file copy of amended plaint on record.
4. Cost in cause.

Atpadi
Date-05/08/2024

(R.B.Kulkarni)
Jt. Civil Judge Jr. Dn. Atpadi.

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 - A. A. Jamadar
Court - Jt. CJJD and JMFC, Atpadi.
Date - 05.08.2024
Order signed by the
Presiding Officer on - 05.08.2024
Order uploaded on - 05.08.2024