

Order below Exhibit 16

One **Mr. Kedari Shripati Kanase** – a Third Person has sought his impleadment in this suit claiming himself to be owner and possessor of the suit property. He claims that the Defendant has sold his share in the suit property in his favour and in favour of one Macchindra Laxman Ligade on 13.06.2025. Hence, according to him, he is a necessary party to this suit deserving impleadment.

2. The Defendant has supported the claim of Third Person to be necessary party *vide* his say (Exh. 23). The defendant has accordingly prayed that the application may be allowed.

3. The Plaintiff, however, has opposed the application *vide* his Say (Exh. 18). According to him, the suit was filed on the basis of revenue entries in respect of the suit property where name of third party was not found. Similarly, he has refuted the contention that the Third Person is in possession over the suit property. Accordingly, the plaintiff has prayed that the application may be rejected.

4. Perused application, say and the record. Heard the Ld. Advocates for the Third Person, the plaintiff and for the Defendant. Perused the documents filed in support of the application and the record.

5. This suit is for Specific Performance of a contract. The plaintiff claims that defendant has agreed to sale the suit property in his favour. The Third Person claims that the defendant has sold this property to him even prior to filing of this suit. The Third Person claims right in the suit property on the basis of a Sale Deed which is purportedly duly registered. In the circumstance, an effectively executable decree in this suit cannot be passed in the absence of the Third Person – Mr. Kedari Shripati Kanase. Thus, the Third Person is a Necessary Party to this suit. He deserves to be impleaded in this suit as a defendant.

6. Ld. Advocate for plaintiff argued that name of the Third Person is not appearing in the Record of Rights in respect of the suit property, hence, his title is doubtful. At this stage, the court need not go into the merits of the title of the Third Person. It is sufficient, at this stage, that the Third Party is claiming ownership and possession on the basis of a Written Instrument which is purportedly registered. Question of title and possession, if required, can be decided only after affording all the parties an opportunity of hearing and adducing evidence. The application, thus, deserves to be allowed. Accordingly, following order is passed :

O R D E R

1. Application (Exh. 16) is allowed as prayed for.
2. The Third Person – Mr. Kedari Shripati Kanase be impleaded as Defendant no. 2 in this suit as per provisions of Order I Rule 10 of the Code of Civil Procedure, 1908.

3. The Plaintiff shall carry out appropriate amendments, as per provisions of Order VI Rule 17 of the CPC, in the plaint, shall file copy of amended plaint and shall provide copy of amended plaint to the defendants on or before next date.
4. As the Third Party – Proposed Defendant no. 2 has appeared, suit summons and notices to him are dispensed with.
5. Costs in the main Cause.

(Typed and pronounced in open Court)

Date : 08.07.2026
Vita

Nitin C. Pawar
2nd Jt. Civil Judge Sr. Division, Vita.