

ORDER BELOW EXH.11

IN

Civil M.A.No.28 of 2021

(CNR No.MHSO06-0003232021)

(IA No.02/2021)

This is an application for amendment.

2] It is submitted by third party that she was residing with deceased Prakash Avsekar for 20 to 22 years. She is a necessary party for proceeding. Hence, she should be added as a party to the proceeding.

3] The application is strongly challenged by filing the say vide Exh.14. It is submitted that application is false and not maintainable. It is submitted that only petitioner is legal wife of deceased Prakash Ausekar. She is entitled for heirship in that regard. Therefore, third party is not necessary party for the proceeding. She is not legally wedded wife of the deceased. Hence, application is not maintainable and it be rejected.

4] The present matter is regarding heirship. Petitioners have claimed that they are legal heirs of deceased Prakash Avsekar. Therefore, they have claimed heirship regarding the properties of deceased Prakash Avsekar. The objections were called by paper publications and citation. In consequence of the same the third party has appeared. Hence, in order to determine the matter on merit, the presence of third party is necessary. She is a proper party to determine the matter effectively and finally. The application is filed diligently. The trial is yet to commence. The presence of third party does not change the nature of proceeding. Hence, in order to determine the matter on merits, the application deserves to be allowed. Therefore, following order is passed.

ORDER

1. The application is allowed.
2. Petitioner shall carry out amendment, so as to add third party as the respondent in the matter.
3. Thereafter third party shall suo motu appear and file the say as they already have knowledge of the proceeding.

Sd/-

(M.R.Jadhav)

Civil Judge Senior Division,
Pandharpur

Pandharpur

Date:-14.10.2021

CERTIFICATE

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

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Pandharpur
Date : 14-10-2021

Order/Judgment signed
by the Presiding Officer on : 14-10-2021

Order uploaded on : 14-10-2021