

Order passed below Ex.19 in SPL.C.S. No.145/2018

CNR NO. MH5006-001189-2018

I.A.No. 11/2019

1. This is an application by defendant no.2 to strike out it as a party to the suit.
2. It is submitted that defendant no.2 is not owner of the suit property. It is not concerned with dispute between the parties. Therefore, the defendant no.2 be struck out from the suit.
3. The application is strongly challenged by the plaintiff stating that there is entry regarding name of defendant no.2 on the 7/12 extract. Hence, it being necessary party, in order to avoid technical bar, it is joined party to the suit.
4. Perused the application and say on it. Heard learned advocate for the plaintiff and representative of defendant bank. Perused the record.
5. If 7/12 extract of the suit property is perused, then there is loan of said bank on the suit property. Hence, prima facie the suit property is mortgaged to said bank. Therefore, though said bank is not necessary party, but it is a proper party for the present suit. No effective relief is claimed against defendant no.2. Hence, there is no prejudice to the defendant no.2 if it is retained as party. If any order which will be passed in the matter affects the defendant no.2, it can raise necessary objection. Hence, in order to determine the matter effectively and finally on the merits, the presence of defendant no.2 as a proper party is justified. Therefore, there is no need to strike out the defendant no.2 as prayed. Hence, following order is passed.

ORDER

Application exh.19 stands rejected.

(M. R. Jadhav)
Jt. Civil Judge, S.D.,
Pandharpur.

Date: 25.09.2019.

CERTIFICATE

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

Name of Stenographer : A.K. Vibhute

*Court : Jt. Civil Judge Senior Division,
Pandharpur*

Date : 25.09.2019.

*Order signed by the
Presiding Officer on : 25.09.2019.*

Order uploaded on : 26.09.2019.