

MHSO130006672025



R.C.S. No.559/2025

Pratap Patil

Vs.

Kakasaheb Patil

ORDER BELOW EXHIBIT-09

01. This is an application filed by the applicant/third party under Order I Rule 10 of Civil Procedure Code, 1908.

02. Read the application. Perused say of the plaintiff. Heard Ld. Advocate for both sides.

03. The applicant contended that the plaintiff has filed the present suit against defendant for the relief of perpetual injunction. The plaintiff and defendants are near relatives, therefore, by shaking hands to each other, they have filed the present suit in spite of interest of this applicant in the suit property. The applicant has constructed house in the suit property. The plaintiff is not in possession of the suit property and the applicant is in possession of suit property. The plaintiff is in a position to oust the applicant from the suit property. The plaintiff and defendants collectively trying to dispossess the applicant, hence, he prayed for adding him in the present suit, otherwise irreparable loss would cause to the applicant.

04. The plaintiff filed his say below the application and contended that the application is not maintainable. The present suit is filed for the relief of perpetual injunction due to interference of the defendants. The name of the plaintiff has been mutated in 7/12 extract. The defendants have filed the

present application through third party only to prolong the matter. The third party has no concern with the suit property. Hence, prayed for rejection of the application.

05. Perused the record and the document filed by the applicant which is notice issued by the applicant to the plaintiff and defendant dt.25/06/2025, reply to said notice by the plaintiff, counter reply by the applicant to plaintiff, receipt of notice and acknowledgment, receipt of amount received by the defendant through the applicant. After perusal of the contention of the plaintiff, the plaintiff himself contended in para No.3 that the defendant is harassing the plaintiff with the help of applicant by making encroachment by erecting tin sheds on the suit property and therefore, the plaintiff has filed complaint against the present applicant before Sub-Divisional Officer No.1, Solapur bearing No.BND Application No.5/2025 dt.04/02/2025 and after receiving the notice by present applicant Dattu Shiva Pawar, the defendant started obstructing to the plaintiff.

06. It appears from the contention of the plaintiff that the defendants trying to obstruct with the aid of the present applicant to the plaintiff. Furthermore, the applicant has issued notices to the present plaintiff regarding the suit property before filing of the present suit. After perusal of the plaint and contention of the application and the document filed by the applicant, it *prima facie* discloses that the interest of the present applicant is involved in the suit property. Therefore, it is just

and necessary to add him in the present suit as defendant. Hence, the application deserves to be allowed. Thus, I proceed to pass following order;

ORDER

- 1) The application (Exh.09) is allowed.
- 2) The plaintiff is hereby directed to carry out necessary amendment in Exh.1 and add the applicant namely Dattu Shiva Pawar as defendant No.2 on or before next date.
- 3) After carrying out the necessary amendment, the plaintiff to furnish the copy of amended plaint on record.
- 4) After carrying out the necessary amendment in Exh.1, the defendant No.2 is at liberty to file his written statement within 30 days from this order.

(Dictated and pronounced in open Court.)

Barshi.
Date : 07/05/2026.

(Smt. P.V. Raut)
Jt. Civil Judge (J.D.), Barshi.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment / Order.

(a)	Name of the Stenographer	:	Shri.S.R. Barangule, Stenographer Grade-III
(b)	Court	:	Smt. P.V. Raut, Jt.C.J.J.D. & J.M.F.C., Barshi.
(c)	Judgment /Order declared on	:	07/05/2026
(d)	Judgment /Order checked on	:	07/05/2026
(e)	Judgment /Order signed by P.O. on	:	07/05/2026
(f)	Judgment /Order uploaded on	:	07/05/2026