

ORDER BELOW EXH. 136 IN REG. CIVIL SUIT NO. 31 OF 1997
(CNR No.MHST05-000031-1997)

The present application has been filed by the third party namely Sou. Suman Baburao Pawar contending that she is having interest in the subject matter of the suit therefore, she may be impleaded as a party to the suit either as a co-plaintiff or co-defendants.

02. The present application has been moved by Suman Baburao Pawar through her power of attorney namely Shri. Subhash Madhukar Londhe. According to the applicant, she is having interest in the suit property therefore, her presence as a party to the suit is utmost necessary. Therefore, she has prayed that by applying Order 1 Rule 10 (2) of the Civil Procedure Code she may be added as a party to the suit.

03. The say of the defendants and of the plaintiff is called for. The defendants have not filed any say. However, the plaintiff has resisted the application contending that the applicant herein has no concern, right and interest in the suit property. The application has been moved only with a view to protract the trial of the suit. Hence, the application may kindly be rejected.

04. I have gone through the contents of the application. The plaintiff is independently asserting title over the suit property on the basis of alleged will deed. The case of the present applicant is entirely

rest on the different footing. In such circumstances, the applicant herein may file separate suit to establish her right and interest in the suit property. If the application is allowed certainly the hearing of the suit will be hampered. The Court will have to focus on entirely different issues unconnected with the issues involved in the instant suit. The focus from the trial of the suit will get deviated. In such circumstances, it is neither necessary to implead the applicant as a party to the suit nor it is advisable to do so.

05. Considering all above discussion, I am of a view that the application is devoid of any merit and the same is liable to be rejected. Resultantly, I pass the following order.

ORDER

The application is rejected.

Karad
Date: 03.01.2019.

(Dr. G. A. Deshpande)
2nd Jt.Civil Judge, Sr. Dn., Karad.