

ORDER BELOW EXH.NO.59 IN
R.C.S.NO.187/2005

This is an application filed by plaintiff 1D praying for transposing plaintiff 1B, 1K and 1E as defendants to the present suit. Defendants have filed their say and contended that there is a collusion between plaintiff's legal heirs and the present application is filed only to delay the proceeding of the present suit.

2] Perused the application and say filed on behalf of defendants. Heard the learned Advocate for plaintiff 1D and defendants.

3] plaintiff 1D has contended that the original plaintiff in the present suit is dead and his legal heirs i.e. plaintiff 1A , 1B, 1K, 1D, and 1E are taken on the record of the present suit. However, plaintiff 1B, 1K, and 1E do not appear in the suit and even do not file Vakilpatra in the present suit. However, plaintiff 1D has filed his Vakilpatra and he is ready to proceed with the suit. Hence, plaintiff 1D has prayed for transposing plaintiffs 1B, 1K and 1E as defendant in the present suit.

4] Perusal of the record of the suit shows that the present suit is for possession and mandatory injunction. After the death of original plaintiff legal heirs of the deceased plaintiffs are taken on record of this suit by way of amendment dated 30/06/2009. Thereafter plaintiff 1D appeared in th suit on 05/01/2016 through an

Advocate. However, Plaintiff 1A , 1B, 1K, and 1E have failed to appear in the present suit in spite of sufficient opportunities being given to them. Moreover, the present is of the year 2005 which needs to be disposed off speedily as per directions of the Hon'ble High Court. Therefore, I do not find any propriety to keep this suit unduly pending awaiting for the appearance of plaintiff 1A , 1B, 1K, and 1E without any progress in the present suit. Hence, It would be justifiable to transpose plaintiffs 1A , 1B, 1K, and 1E as defendants in the present suit. Accordingly, the application stands allowed. Plaintiff to carry out necessary amendment.

Karad.
Date : 15/03/2016

(R. D. Gaikwad)
7th Jt. Civil Judge (J.D.)
Karad, Dist. Satara.