

ORDER BELOW EXH.84 IN R.C.S. NO.394/2006

This is an application moved by third person Sanjay Appasaheb Patil, Sangeeta Girish Shaha and Usha Rohit Bheda for adding them as parties to the proceeding. It is their contention that they have purchased suit property bearing No. 418 on 25-11-2013 vide registered sale deed bearing No.6065/2013. Therefore, they may be added as parties to the present suit.

2. Defendant filed say at Exh.86 and opposed the application. It is contended that third person failed to mention their connection with the suit property. No details are given or documents produced to support their contention. There is no dispute between defendants and third person. If there is any cause of action they have every right to file separate suit. The application is only signed by Usha Rohit Bheda and not by other two person. If they are added as parties, it will cause irreparable loss to the defendants.

3. Heard applicant No.3 Usha Rohit Bheda and Ld. advocate for the defendants. Following point arise for my determination to which I record my findings with reasons given below.

<u>Points.</u>	<u>Findings.</u>
1. Whether third person can be added as parties to the present suit ?	.. Partly yes.
2. What order?	As per final order, application is partly allowed.

REASONS

As to point No. 1:

4. Original suit is in respect of declaration in respect of right of

defendants. So also for perpetual injunction restraining the defendants from alienating suit property and creating charge over it. Now, third person who are purchaser from plaintiff prayed for adding them as parties to the present suit. It is not disputed by the defendants that third persons have purchased the property from the plaintiff. The application is supported with affidavit. As per provisions of Order 23 Rule 10 of Code of Civil Procedure in case assignment, creation or devolution of any interest during the pendency of the suit, the suit may, by leave of the Court be continued by or against the person to or upon whom such interest has come or devolved. Now the third person in whose favour interest has been created seeking permission to add them as parties. Application is not signed by by applicant No. 1 and 2 and it is only signed by applicant No.3 Usha Bheda. Considering objection of the defendant and submission of the applicant No.3, I grant her permission to continue with the suit by adding as plaintiff. In view of the same, I pass the following order.

ORDER

1. The present application is partly allowed.
2. Applicant No.3 is permitted to continue with the suit by adding herself as plaintiff.
3. No order as to costs.

Karad.
Date:29/04/2017

(A. M. Samant)
Jt. Civil Judge Jr.Dn. Karad