

MHTH170025502026



R. C. S. No. 73/2026
Nilesh Ravindra Vichare
Vs.
Amit Vikas Paralkar & Ors.

ORDER BELOW EXH. 10

Applicant Bharat Co-operative Bank Ltd., has filed this application, by way of this application craves to add as a party defendant.

02. This is a suit for declaration and injunction. The applicant submitted that he got knowledge of the suit on 25/05/2026 when he got the notice of the plaintiff. The suit property is mortgaged property towards the applicant bank. The defendant No. 1 is principle borrower and defendant No. 2 and 3 are joint borrower. The bank has given 1 crore rupees loan by taking suit property mortgage. The defendant has not repayed the monthly installment and the account became NPA. After that the applicant bank has taken steps taken possession of the suit property by order of the court. The matter is pending in DRT court. The suit property not in possession of the plaintiff. The plaintiff has suppress the material facts filed the present suit. Therefore it is necessary to add applicant as a prty in a suit. Hence, this application.

03. The plaintiff has filed say at Exh. 16 and oppose the application. It is submitted that the plaintiff has not suppressed any fact from the court. The plaintiff has possession of the suit property by leave and licence agreement. The contention of the applicant is wrong and misleading the court. The plaintiff is not party in DRT proceeding. The applicant bank is only mortagor and not owner of the property. Hence, prayed for reject the application.

04. Perused the record. Heard the learned advocate for both the sides.

05. The necessary party is a party without whose presence an effective decree cannot be passed. Further, the proper party is a party whose presence is helpful for the necessary adjudication. Though the suit is for declaration and injunction, it is based on a possession wherein it is in dispute that who has

possession over the property. The applicant has filed documents supported to his application. Therefore, it is quite clear that impleadment of the proposed party is necessary for the purpose of arriving at conclusion on merits. Moreover, Order I, Rule 10 (2) of the Code of Civil Procedure also provides that the court may add parties on such terms as the court thinks to be just. In the circumstance, I am convinced to pass the following order.

ORDER

01. The application (Exh.10) is allowed.
02. The applicant be added as a party defendant.
03. No order as to cost.

Date : 08.07.2026.
Place : Palghar

(Sujata R. Bandal)
Jt. Civil Judge Jr. Division,
Palghar