

R.C.S. No. 05/2018

Shankar Girde -Vs- Vidya Girde

ORDER BELOW EXH. 38.

(Passed on 15.03.2024)

This is an application filed u/o. 1, Rule 10 of C.P.C. for addition of necessary parties in the suit.

2. The applicants contended there in that the suit filed for partition and septate possession and declaration of the alleged will-deed dt. 21.11.2017 null and void. However, in the present suit the proposed defendant no. 4 and 5 inadvertently remain to be added in the present suit being necessary parties. The original owner of the suit property Santosh Domaji Girde had two wives. The proposed defendant are the daughters of Santosh Girde brought from his second wife Anusaya. According to the plaintiff defendants no. 4 and 5 are necessary parties in the suit.

3. The say of defendant and proposed defendants was called upon they appeared along-with their counsel and filed their say. They have stated that they having a right in the suit property and they are necessary parties in the suit. Defendants already raised the objection of non joinder of necessary parties. Therefore, the proposed defendants are need to be added as defendants no. 4 and 5 in the suit.

4. Heard both sides. Perused the record. On the hearing of both parties is appears that the proposed defendants are necessarily join in the suit property being legal heirs of Santosh Girde. It is also appears that the presence of proposed defendants is necessary in order to enable to the court effectually and completely to adjudicate upon and settle all the questions involved in the suit. Considering this facts, no hurdle are harm

would be cause to any parties if proposed defendants added in the suit as defendants no. 4 and 5 as prayed. If the application allowed, fact will come on record and it will be helpful the the court for proper adjudication. The applicants are just and proper parties in the suit and without their present, effective can not be passed in the suit. Accordingly, the application deserves to be allowed in the interest of justice. Thus I pass following order.

ORDER

1. Application is allowed.
2. Plaintiff shall add the applicants as defendants no. 4 and 5 in the suit and shall carry out necessary amendment within 14 days from the date of this order.
3. Proposed defendants submit their written statement if any within 30 days without fail.

Date: 15.03.2024

(S. W. Shegokar.)
Jt. Civil Judge, Jr. Division, Seloo.