

R.C.S.No 06/2018  
Indubai +3 Vs Waman+1  
CNR No. MHWR040000762018

**ORDER BELOW EXH. 32**  
(Passed on 12/06/2019)

1. The plaintiffs filed this application under order I Rule 10 of C.P.C. to add Mr. Nikhil Bhujang Nartam resident of Wadgaon, Taluka Seloo, District Wardha and Sau. Nanda Arvind Kawade resident of Ramna, Taluka Seloo, District Wardha as defendant nos. 3 and 4 in the suit.
2. The plaintiffs' suit is for partition and separate possession. The plaintiffs obtained the knowledge of sale-deeds executed by the defendants in the plaint, therefore plaintiffs prayed for status quo. The previous counsel for plaintiffs failed to pray for declaration of sale-deeds as null and void and thereby cancel the sale-deeds. The proposed defendants are necessary parties in the present suit. The addition of defendants will not affect the present defendants in any manner and therefore, proposed defendants be added as defendant nos. 3 and 4.
3. The defendant nos. 1 and 2 filed reply and objected the application. The defendants submitted that the plaintiffs were having knowledge of the facts about agreement to sale between the defendants and proposed defendants. But deliberately failed to add them to cause delay in the proceeding. Therefore, application if allowed, heavy costs be imposed upon the plaintiffs.
4. Perused plaint, written statement. Heard learned advocates for both the sides. The defendants in their written statement have objected the suit as non-joinder of necessary parties. The proposed

defendants are appeared as parties to the agreement to sale in respect of the suit properties. Therefore, the proposed defendants are appeared necessary parties to decide the present suit. Want of diligence on the part of plaintiffs is considered while passing the order below Exh.31 and the costs is imposed and therefore for same reason, it is not required to impose the costs again. Hence, I pass the following order;

**ORDER**

1. Application is allowed.
2. Mr. Nikhil Bhujang Nartam resident of Wadgaon, Taluka Seloo, District Wardha and Sau. Nanda Arvind Kawade resident of Ramna, Taluka Seloo, District Wardha be added as defendant nos. 3 and 4 in the suit.
3. The proposed amendment be carried out within 14 days from the date of this order.

Date :12/06/2019

( A. G. Mhaskey )  
Civil Judge, Junior Division,  
Seloo

**Certificate**

I affirm that, the contents of this PDF are same words for words,  
as per the original order .

Name of Stenographer : S.V. Made

Name of Court : C.J.J.D. & J.M.F.C., Seloo.

Upload on date : 12.06.2019