

ORDER BELOW EXH. 11 IN R.C.S. NO. 12/2021

(Pooja Jitendra Ghagare Vs. Tejrao Ganeshrao Hingawe and ors.)

1. The present application is moved by plaintiff as per Order I Rule 10 of Code of Civil Procedure seeking a relief to implead Anil Govindrao Wanjari as a party defendant no.5.
2. The plaintiff contended that, the suit is for partition and perpetual injunction. She has further contended that, she had issued a notice dated 15/01/2021 to the defendants. Further, the defendants have filed notice reply on 27/01/2021 and by way of said notice reply it reveals that, the defendant No.1 has sold out the land survey No. 35 & 37 to the proposed defendant. Hence, she prayed to allow the application.
3. The defendants have filed say and denied the contentions of application. Per contra contended that, there are no reasons mentioned in the application. Further, the property sold was self acquired property of defendant No.1 and the plaintiff has no right in said property. They have also contended that, their written statement be considered while deciding present application. Hence, they prayed for rejection of application.
4. Perused the record it reveals that, the suit is for partition and perpetual injunction. The record shows that, the plaintiff has filed suit regarding agricultural land bearing survey No. 35 & 37, house property bearing plot No.5. Further, the defendant No.1 and 4 has filed their written statement below Exh.10 and contended that, the suit property are self acquired property of defendant No.1. Further, contended that, the defendant No.1 has sold the land gut No. 35 and 37 to Anil Wanjari i.e. proposed defendant. The suit property is whether ancestral or self

acquired is a matter of fact. At this juncture, it is evident that, the suit property be sold by defendant No.1 to proposed defendant. So, considering all above aspect, nature of suit I hold that, it is necessary to implead the Anil Govindrao Wanjari as a party defendant. So following order is passed.

ORDER

1. Application is allowed.
2. Plaintiff is directed to implead Anil Govindrao Wanjari as party defendant no.5 and thereafter file the amended copy of plaint within stipulated period without fail.

Karanja (Gha.)
Date:- 26/07/2022.

(V.S. Wagh)
Joint Civil Judge, J.D.,
Karanja (Gha.), Dist. Wardha.