

**Order below Exh. 27 in
Reg. Civil Suit 214/2015**

**Order below Exh. 27
(Dated 21/06/2017)**

1] Applicant namely Parashram Ramchandra Thakre submitted this application under Order 1 Rule 10 of CPC.

2] He submitted that, Keshao Haribhau Thakre filed this suit for relief of mandatory injunction in respect of field Gat no. 113 total adm 1 H 3 R of his land against defendant Mr. Datta Namdeo Thakre and others. Mr. Datta appeared in the suit. But prior to appearance of him on 22/12/2015 he agreed to sale 10 R land out of Gat no. 113 which is owned by him to the brother of this applicant Jayaji Thakre. That the brother of this applicant got executed Issar Chitti of 10 R land. Defendant no. 1 Datta Thakre and his sister Kamalbai sold 10 R land which is purchased by applicant's brother Jayaji for road to approach their land. Thus accordingly pursis is presented by defendant no. 1 on 20/04/2016.

3] Mr. Datta filed an application before SDO for permission for selling land for road purpose as alleged in Issar Chitti of dated 22/12/2015. On his application permission was granted on 30/06/2016 by Hon'ble SDO. The applicant and Jayaji who are real brother hold the land in field no. 125 and to approach to that land they purchased that 10 R land for road purpose. The relief which is claimed is relating to Gat no. 113 which is total adm 1 H 3 R out of it 10 R land is purchased by the applicant and his brother. So they to be added as necessary party as defendant no. 4 in this suit. He prayed to allow his application.

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4] Say from other side called. Defendant no. 1 had not objected. Plaintiff not filed his say.

5] I gone through the pleadings of the plaintiff. Suit brought for mandatory injunction with the relief that defendant no. 1 not to sold the fragment out of the suit property either of the third party or Jayaji except plaintiff. He also claimed for relief for directing to defendant no. 2 not to registered the allegation of fragment either in favour of third party or Jayaji without permission of defendant no. 3. The defendant no. 1 filed the pursis and the copy of the order passed by Hon'ble SDO which is on record. From it appears that, the SDO had granted the permission to defendant no. 1 to sell 10 R land to Jayaji as per Issar Chitti. So in my Jayaji is necessary party to this suit because the presence of Jayaji before the Court is necessary in order to approach the Court effectively and completely to adjudicate upon and settled all questions involved in this suit. Hence I pass following order.

ORDER

- 1] Application Exh. 27 is hereby allowed.
- 2] Plaintiff to add the Jayaji Ramchandra Thakre as defendant no. 4

Date: 21/06/2017

Sd/-
(R.K. Gujjar)
Jt. Civil Judge (Sr. Dn.),
Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/ Order are same word to word, as per the original Order.

Name of the Stenographer:- A. W. Ajmire, Stenographer(LG)

Court Name :- Jt. Civil Judge (Sr.Dn.), Washim

Date :- 21/06/2017

Order signed by the Presiding Officer on :- 22/06/2017

Order uploaded on :- 23/06/2017