



C.F

23-101

नि. दि. मु. नं. 20/2024
दा. ता. 18/08/2025

विद्यमान द्वािणी न्यायाधिश साहेब व. क्तर केडापूर
यांचे न्यायालयात.

किशोर मेधाम = विक्रय = महा. शासन तर्फे
७ वनपरिक्षेत्र अधिकारी

अर्ज :-> वरील मुक दाम्यात दुरुस्ती करणेबाबत
परवानगी मिळोवार्त. Exh 33/2

यात वादीचे वकील अर्ज करतात
तो येणेप्रमाणे,

प्रस्तुतचे प्रकरण वि. न्यायालयाने
आज रोजी नेमलेले आहे. सध्याच्या प्रकरणात
वादीच्या मुक दाम्यात १) मा. उपविभागीय अधिकारी
साहेब पांडवकडा २) मा. जिल्हाधिकारी साहेब,
शवलमाळ यांना अनावधानाने पार्टी केले नस-
ल्यामुळे व मुकच्या दाम्यात यांना पार्टी
करणे आत्यंत आवश्यक आहे. तसेच प्रतिवादी
यांचे यामध्ये पार्टी करण्याने कोणतेही नुकसान
होणार नाही. त्याचप्रमाणे प्रतिवादींना कुठलाही
परिणाम देखील होणार नाही. परंतु पार्टी न
करणे करण्यामुळे वादीचे मात्र गुप नुकसान
झाल्याशिवाय राहणार नाही तसेच सध्याच्या
प्रकरणात मुक दाम्यात देखील परिच्छेद क्र. ४
मध्ये वर्णिले प्रमाणे चतुःसिमा असून त्यापैकी
जवळ पेंडोर हा अतिक्रमण दारण शेतकरी असून
वर्ष २०२१ ला पट्टा मिळालेला आहे, या
मजकुरानंतर "वादीने यापूर्वी मा. उपविभागीय
अधिकारी, पांडवकडा येथे पट्टे मिळोकरता अर्ज

नवे
18-8-2025
O.S. to say
issue notice to
proposed defendants
CSS & reply

copy received
AGP
18/8/2025



ORDER

2-5-2026

Reve the application of son
Heard both advocates at length.

Plaintiff has filed present application under
order 6 R. 17 of C.P.C. to insert proposed amendment
in respect of claim set up by him before revenue
authorities & to implead collector & demand of S.D.O.
Kolar u/o. 1 R. 10 of C.P.C. as a necessary parties to
the suit. Application is strongly objected by defendants
on the ground of delay.

Plaintiff's contention. It appears that, plaintiff
has brought simpliciter suit for perpetual injunction
on the basis alleged possession. The defendants have
contested the suit by filing their written statements.
Now plaintiff wants to amend his pleading in
respect of claim set up by him before revenue authorities
to grant him possession title of self property. In support
of it he produced several documents on record. Application
is supported by documents of plaintiff of plaintiff. But
on perusal of plaintiff it appears that, there is no
any pleading about alleged obstruction at the hands of
proposed defendants. Also no cause of action arose
against them. It is no doubt that, defendants have
caused plea of non joinder of necessary parties, but
in the absence of cause of action & in the absence of
specific suit against proposed defendants, they cannot
be said to be a necessary parties to the suit. Cause of
all these aspects of nature of the suit only proposed
amendment needs to be allowed to avoid the multiplicity
of proceeding. Hence the following order.

1. Application is partly allowed to the
extent to proposed amendment, subject
to cost of Rs. 400/- which be paid to R.C.
2. Plaintiff's suit for addition for proposed
defendants is hereby rejected.
3. Plaintiff to deposit cost incurred by
any out amendment within 14 days of
submit amended plaint copy immediately
if fails order stands vacated.

Kolar

Ch. S. K. R.