

**IN THE COURT OF JOINT CIVIL JUDGE JUNIOR  
DIVISION, DIGRAS.**

**[Presided over by Nitin Dhoke]**

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|  | <p style="text-align: center;">R.C.S. 68/2024<br/>Subhash -Vs- Vijay<br/><b>[C.N.R.No.: MHYA13-000559-2024]</b></p> |
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**ORDER BELOW EXH.20**

(Passed on: 28<sup>th</sup> November, 2024)

The instant application is filed by applicant/plaintiff under Order I Rule 10 (2) of the Civil Procedure Code, 1908. The instant Civil suit is filed by Plaintiff for Declaration, Partition and Perpetual injunction. It is contention of applicant/plaintiff that, at the time of filing of the suit for partition, apart from the present defendants, the applicant/plaintiff was unaware about the names of other surviving legal heirs of late Dattatray Krushnaji Kane. Therefore, he has not made them party. However, he has received the possible details and now he is desirous of joining all those surviving legal heirs as defendants in present suit. He wanted to make addition of name of the following as Defendant No.24 and 25 respectively. They are as under:

**Defendant No. 24:** Kaveri Marathe (Deceased)

Through Legal heirs

- i) Ratnakar Marathe
- ii) Prabhakar Marathe
- iii) Mukund Marathe

**Defendant No. 25:** Kashibai Marathe (Deceased)

Through her Legal heirs,

- i) Madhukar Paranjape,
- ii) Bhaskar Paranjape,
- iii) Prabhakar Paranjape,
- iv) Sudhakar Pranjape and
- v) Kumud Bapat

**02]** It is contention of the applicant/plaintiff that, the abovenamed legal heirs are the necessary parties to the suit and therefore, it is necessary to implead them as defendants in the present suit for proper adjudication of the matter. Hence, he has prayed to allow the application.

**03]** The ld. Counsel for defendant No.2 though received the copy of instant application not filed his say. Hence, the instant application needs to be adjudicated on merit.

**04]** *As per O.1 Rule 10(2), "the court may at any stage of the application either without or upon the application filed by the party, add the name of any person whose presence before the court may be necessary in order to enable the Court to effectively*

*and completely adjudicate upon and settle all the questions involved in the suit".*

**05]** In the instant suit, as per plaintiff the aforementioned names of persons are surviving legal heirs of deceased Kaveri Marathe and Kashibai Marathe, both of them are daughters of late Dattatray Krushnaji Marathe. In my view, since, both the deceased are allegedly the legal heirs of common ancestor and survived by surviving parties. Therefore, they are necessary parties in the present suit and their presence in the suit is imperative for final adjudication of the matter. In view of the aforesaid discussion I therefore of the view that, instant application needs to be allowed. I thus pass the following order:

**ORDER**

- 1] Application below Exh.20 is allowed.
- 2] Applicant/plaintiff to add names of aforementioned legal heirs as defendant No.24 and 25.
- 3] Plaintiff to carry out the necessary amendment of addition of name within 14 days from today.
- 4] No order as to costs.

***[Order passed in open court]***

**Date :- 28/11/2024.**

**[Nitin Dhoke]**  
Jt.Civil Judge Junior Division,  
Digras, Yavatmal.

