

ORDER BELOW EXH. 1

Perused the record which is e-filed. Considered the documents annexed.

2. This is a suit for partition, cancellation of sale deed, declaration and injunction and other ancillary reliefs instituted. The learned counsel for the plaintiff appeared and requested for first order. The cause of action and the role of all the defendants is verified. Thus, considered the matter and proceeded for order.

3. The hearing on the questions in respect of limitation, cause of action and role of 315 defendants was heard and considered. Limitation and cause of action with the role of all the defendants is pleaded and on same lines it was considered. On careful perusal of the pleadings it appears that deeds/agreement executed by defendant no. 1 to 8, 9 to 13, 14 to 21, 25 to 30 and 38 to 45 is came to be challenged. The primary/foundational prayer in respect of deeds executed by these defendants is under consideration and needs to be considered and addressed.

4. Thereafter, sale deeds executed by other defendants needs to be considered.

5. The main parties at this stage are appearing to be defendants no. 1 to 45 among whom the earlier foundational deeds are done. They are the necessary parties

first to be heard. The fate of other defendants can be subsequently decided. If require the other defendants can be added subsequently during the course of proceedings.

6. Therefore, considering the documents executed and which are very old it appears at this stage the summons to the main party, who has executed the document initially needs to be issued. Thereafter, if require subsequent purchasers from defendants they can be considered to be added.

7. The claim of the plaintiff about limitation and cause of action arose is considered at this stage. Thus, accordingly on these submissions parties appearing at this stage to be relevant i.e. defendants no. 1 to 45 are issued the suit summons as per order 5 CPC. In the interest of justice following order is passed.

ORDER

1. Issue suit summons to the defendants no. 1 to 45 for filing WS and for settlement of issues of the matter as per order V CPC. EP and SB allowed.
2. Issue notice to defendant no. 1 to 45 on Temporary Injunction application/prayer.
3. The plaintiff is directed to file genealogical tree of the family showing relationship and exact date of death of the ancestors.

4. Plaintiff is directed to file the photos clearly showing all the suit properties.

Sd/-

Date : 16/10/2025
Pune.

(V. R. Assudani)
17th Jt. CJSD & Add. CJM, Pune