

ORDER BELOW EXH. 54 IN S.C.S. NO. 226/2021

1. This application is filed by plaintiff under Order 6 Rule 17 and under Order 1 Rule 10 of Code of Civil Procedure. Plaintiff contended that defendant no.15 has transferred old Gat No.8/2 in favour of her father Laxmikant Ramkrishnana Venkatraman. Therefore, Laxmikant Ramkrishnana Venkatraman is a necessary party to the suit. Hence he be added as party.

2. Defendant no.1 to 3 and 7 to 9 opposed the said application and filed their say at Exh.68. They submitted that plaintiff is intending to prolong the matter. Defendant no.15 is Advocate has informed about the transfer of the said property. The proposed amendment will change the nature of the suit. Hence, prayed that the application be rejected.

3. Proposed defendant no.16 has resisted this application and filed his reply at Exh.79. He submitted that application be rejected for the reasons mentioned in the application.

4. Considering rival contentions of both the parties following points arise for my determination and I record my findings thereon for the reasons mentioned below.

No.	POINTS	FINDINGS
1	Whether the application is liable to be allowed ?	... in the positive.
2	What Order ?	... As per order.

:: REASONS ::

POINT NO.1. :-

5. Heard both the learned Advocates. Perused the record. This is a suit for partition, setting aside the sale-deed, declaration, perpetual

injunction. From the record it transpires that defendant no.15 has transferred the suit property in favour of defendant no.16. Therefore, proposed defendant no.16 is a necessary party to the present suit. Thus considering the nature of suit and in the interest of justice to decide the matter on merits, I am of the opinion that the application is liable to be allowed and proposed defendant no.16 be added in the Array of defendants. Accordingly, I answer point no.1 in the positive and in answer to point no.2 I pass the following order.

:: ORDER ::

1. Application is allowed.
2. Plaintiff to carry out the amendment and to file Amended Plaint within 14 days from the date of this order.

Panvel,
Date : 22-06-2023.

(Nayomi P. Pawar)
Civil Judge, Senior Division Panvel.