

**ORDER ON I.A NO.19 FILED UNDER
ORDER 1 RULE 10 OF C.P.C :**

The applicant/one of the legal heirs of deceased plaintiff Smt.Prema has filed this application seeking to implead her as plaintiff No.1(c) in this suit.

2. The applicant has sworn to an affidavit in support of her application and stated that, her husband Sri. Lingaraju died on 12.04.2022 during the pendency of the suit and at that time, only plaintiff No.1(a) and (b) were impleaded as legal heirs of deceased plaintiff and she has not been impleaded even though she had

informed the counsel and accordingly, she prays to implead her as plaintiff No.1(c) in this suit.

3. On the other hand, the learned counsel for the defendant has filed his objections to the said application and contended that the said application is not maintainable and it is specifically contended that the applicant has to be brought on record as legal heir and she cannot file application under Order I Rule 10 of CPC and hence, it is contended that the applicant has not made out grounds to allow the application and accordingly, prays to dismiss the application.

4. Heard on behalf of both the parties and perused the records.

5. The following point arises for my consideration.

“Whether the applicant has made out grounds to allow the application?”

6. My finding on the above point is in the ***affirmative*** for the following.

REASONS

7. I have perused the entire materials available on record and on perusal of the same, it is noticed that one Sri.K.E.Lingaraju has filed this suit against the defendants for the relief of specific performance of contract dated: 01.10.2018. It is an undisputed fact that the said Sri.K.E.Lingaraju died during the pendency of the suit and his son and daughter have been impleaded, but his wife has not been impleaded in this suit. For better adjudication of suit, it is just and necessary to implead the wife of deceased as one of the legal heirs of deceased plaintiff in this suit. As such, the applicant has made out grounds to allow the application. Though, the learned Counsel for the defendants argued that the present application is not maintainable, however, as I already observed above, the applicant being the legal heir of

deceased plaintiff is very much necessary to the suit. As such, if the application is allowed, no harm or prejudice would be caused to the defendants. On the other hand it helps the court to decide real controversy between the parties. Hence, I answered the above point in the ***affirmative*** and I proceed to pass the following.

ORDER

I.A.No.19 filed by the applicant is hereby allowed.

The applicant is permitted to come on record as plaintiff No.1(c).

The plaintiffs are directed to carry out the amendment within next date of hearing.

Call on 23.04.2025.

(PUTTASWAMY. K.M)
Prl. Senior Civil Judge & CJM,
Hassan.