

In the Court of the XXXIV Additional City Civil and Sessions Judge,
Bengaluru

Dated this the 25th day of November, 2022

Present :-

Sri. G.Raghavendra, B.Sc., LL.B.,
XXXIV Addl. City Civil & Sessions Judge,
Bengaluru.

O.S. No.6921/2021

Between:

Smt. Asiya Bi,
W/o Late Noor Ahmed
Aged about 64 years,
R/at No.24, L-No. 5Th Street,
Jumma Masjid Road Cross,
Shivajinagar,
Bengaluru – 560 081.

.. Plaintiff

(By M/s R. Kothwal and Co., Advocates)

And

Sri. Mohammed Fazal,
S/o Late Mohammed Pacha Sahib,
Aged about 61 years,
R/at No.91, Jumma Masjid Road,
OPH Road,
Bengaluru – 560 051.

.. Defendant

(By Sri. M.D.Raghunath, Advocate)

Parties to I.A. No. I/2022

Between:

1. Smt. Nazneen Shaheen
W/o Aman Ulla Sharief
D/o Late Smt. Meherunnissa,

Aged about 53 years,
R/at # 81/2A, 2nd Cross,
Kavalbyrasandra,
Shadab Nagar, RT Nagar,
Bengaluru – 560 032.

2. Smt. Nasreen Taj,
D/o Late Smt. Zakeerunnissa
W/o M. Aman
Aged about 41 years,
R/at # 91, 1st Cross, Amar Layout,
D.J. Halli,
Bengaluru – 560 045.
3. Sri. Syed Mussavveer Ahmed
S/o Late Muneer Ahmed,
Aged about 40 years,
R/at No.50-53, Narayan Chettair Road,
Bengaluru – 560 001.
4. Sri. Shafi Ulla
S/o Late Smt. Zubaida &
Mohammed Samiullah,
Aged about 40 years,
R/at # 2/1, SR Complex,
2nd Cross, Jumma Masjid Road,
Shivajinagar,
Bengaluru – 560 051.

.. Applicants/
Proposed Plaintiffs 2 to 5

And:

Sri. Mohammed Fazal

.. Opponent/
Defendant

ORDER ON I.A. No. I/2022

1. This I.A. No. I/2022, under Order I Rule 10(2) read with Section 151 of Code of Civil Procedure, 1908 (CPC), 1908 is filed by the

applicant/proposed plaintiff Nos.2 to 5 to pass an order to implead them as plaintiff Nos.2 to 5 in this suit.

2. Opponent / Defendant has filed objection to this IA.

3. Heard both parties' counsels on this I.A.

4. On the basis of contents of I.A. No. I/2022 and objection to the I.A., and on the basis of submission of both parties counsels the following points arise for my consideration:

1. Point No.1: Whether the presence of proposed plaintiffs No.2 to 5 is necessary to enable this court effectually and completely to adjudicate upon and settle all the questions involved in this suit?

2. Point No.2: What order?

5. My answer to the above points are as under:

Point No.1: In the Affirmative

Point No.2: As per the final order for the following:

Reasons

6. Point No.1:- One of the proposed plaintiffs in her affidavit accompanying this IA has sworn to that, they belong to the branch of late Smt. Mehrunnissa, late Smt. Zakeerunnissa, late Sri. Muneer Ahmed, and late Smt. Zubeda, their father / mother have equal right over the suit schedule properties, they steps into their shoes and are also entitled for 1/7th share in the suit schedule properties.

The proposed plaintiffs are seeking the same relief against the defendant on the same pleading of plaintiff. Hence, I am of the opinion that the presence of proposed plaintiffs No.2 to 5 is necessary to enable this court effectually and completely to adjudicate upon and settle all the questions involved in this suit. Hence, I answer point No.1 in affirmative.

7. Point No.2:- In view of the answer I arrived to point No.1, I proceed to pass the following:

O R D E R

I.A. No. I/2022, under Order I Rules 10 (2) read with Section 151 of Code of Civil Procedure, 1908, filed by the applicant/proposed plaintiff Nos.2 to 5 is allowed.

It is ordered to implead the applicants as plaintiff Nos.2 to 5.

No order as to costs.

(Dictated to the Judgment Writer, transcribed and typed by him, transcript corrected, signed and pronounced in the open court on this the 25th day of November, 2022).

(G.Raghavendra)
XXXIV Addl. City Civil & Sessions Judge
Bengaluru.