

Case called out.

ORDER ON IA NO.VII.

1. The plaintiff has filed IA No.VII Under Order I Rule 10(2) r/w 151 of CPC praying this court to implead the proposed defendant as defendant No.6 in the present suit.

2. The notice of the application is served on proposed defendant. But she remained absent and not contested the same. Therefore, the above said applicatin remained unchallenged.

3. Heard, Perused.

4. It is noted that, the suit is filed by the plaintiff against the defendants for claiming the relief of partition and separate possession. The plaintiff filed affidavit and submitted that, originally the suit property i.e., the house bearing G.P.No.270 situated at Gadikushnoor village was originally in the name of her father Vaijinath who died in the year 2019. After his death the house was transferred in the name of her mother Jagadevi. At the time of filing the suit Jagadevi was alive and she died on 13-02-2023. The defendant No.2 force ably in order to make wrongful gain to himself have got transferred the suit property in the name of proposed defendant illegally in order to deprive her right. Therefore, in order to adjudicate her claim over the suit property the presence of proposed defendant is necessary. Therefore, prays to allow the application.

5. It is worth to note that, the plaintiff is master of her suit and dominus litus. Therefore, the plaintiff can choose her

opponent. As per the plaintiff during the pendency of the suit the defendant No.1 has transferred the suit house in favour of proposed defendant. Therefore, in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit the presence of proposed defendant is necessary. Therefore, in the interest of justice, I proceed to pass the following;

ORDER

The IA No.VII filed by the plaintiff U/o I Rule 10(2) r/w sec.151 of CPC is hereby allowed.

The proposed defendant is impleaded in the above suit as defendant No.6.

The plaintiff is called upon to amend the plaint and furnish amended plaint in duplicate by 16-03-2026.

C.J.and JMFC, Aurad-B