

18-06-2025:

ORDERS ON IA No.V

IA No.V is filed by the applicant/ plaintiff under Order 1 Rule 10 (2) r/w sec.151 of CPC, seeking to implead the proposed defendant No.9 as defendant No.9 in the present suit.

In the accompanying affidavit filed by the Plaintiff Smt. Mahadevi D/o Babu Kalal has sworn to the fact that the present suit has been filed by her seeking partition and separate possession of her legitimate share in the suit property. She further stated that at the time of institution of the present case, due to oversight the proposed defendant No.9 could not be arrayed as party. She further stated that though the proposed defendant No.9 is not a Class-I legal heir of Babu Narasappa Kalal has illegally got entered her name in the Gram Panchayat property extract bearing No.752 and 753. Therefore, the proposed defendant No.9 is the necessary party for adjudication of the case on merits. Hence impleading of proposed defendant No.6 is necessary in the present suit so as to avoid

any technicality. If the application is allowed no loss or hardship will be caused to the other side. On the contrary she will be put to untold hardship, great irreparable loss. Hence prayed for allowing the IA No.V.

Heard. Perused the materials on record.

Admittedly, the suit is one for partition and separate possession. Under this IA No.V plaintiff has sought to implead the proposed defendant No.6 as defendant No.6 in the present suit. Plaintiff in the affidavit stated that at the time of institution of the present suit due to oversight the proposed defendant No.9 could not be arrayed as party and further she stated that though the proposed defendant No.9 is not a Class-I legal heir of Babu Narasappa Kalal has illegally got entered her name in the Gram Panchayat property extract bearing No.752 and 753. On perusal of the entire records it is found that the name of proposed defendant No.9 is entered in the property extract bearing No.752 and 753 along with others. Therefore it is necessary to implead the proposed defendant No.6 as

defendant No.6 in the present suit. So I proceed to pass the following:

ORDER

IA.No.V filed by the applicant/plaintiff under Order I Rule 10 (2) r/w sec. 151 of C.P.C. is hereby allowed.

Plaintiff is permitted to implead the proposed defendant No.9 as additional defendant No.9 in the suit.

Further the plaintiff is permitted to amend the cause title of the plaint to that effect and furnish amended plaint.

For amendment and amended plaint by 03-07-2025.

Senior Civil Judge,
Bailhongal.