

19-08-2025:

ORDER ON IA No.VIII

This IA No.VIII is filed by the applicant/ plaintiff under Order 1 Rule 10 r/w sec. 151 of C.P.C, seeking to implead the proposed defendant as additional defendant No.8 in the suit.

2. In the accompanying affidavit filed in support of the application plaintiff has stated that during the pendency of the suit, defendant No.1 has alienated the suit property in favour of his wife by way of a registered gift deed dated 27-07-2023 bearing registration No.BLG-1-01776-2023-24 before the Sub-Registrar, Bailhongal. According to the plaintiff, the suit property is the ancestral property and the said alienation being without his consent and determining to his right, is not binding on him. It is further alleged that the proposed defendant is attempting to create third party interest in the property and therefore her presence is necessary for complete adjudication of the case. Hence prayed for allowing the

application.

3. Records disclose that the notice of this application is issued to the proposed defendant has been returned with endorsement as 'refused'. The existing defendants despite having being granted sufficient time, have not chosen to file objection nor to address their arguments of this IA.

4. I have careful considered the submission and perused the records. It is not in dispute that the registered gift deed is executed by defendant No.1 in favour of proposed defendant in partition suit, where a transferee of the suit property pendente lite hit to derive rights under such transfer her presence before the court is necessary to bind by the result of the litigation and to avoid the implicit of the proceedings. Accordingly, this court is of the opinion that the proposed defendant is a necessary and property property to the suit and her impleadment is essential for the complete and effective adjudication of the suit. So, I proceed to pass the following;

ORDER

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

Plaintiff is permitted to implead the proposed defendant as additional defendant No.8 in the suit.

Call on for amendment and amended plaint by 30-08-2025.

Senior Civil Judge, Bailhongal.

