

ORDER ON I.A.NO.XI.

Counsel for plaintiff has filed this application U.Order 1 Rule 10(2) of CPC seeking permission to implead the proposed defendant No.4 in present suit as mentioned in the application.

The application is accompanied with the sworn affidavit of plaintiff, wherein it is stated that proposed defendant No.4 purchased the suit property Survey No. 95/2 measuring 4 Acre situated at Neginahal village on 06.01.2017 through Register sale deed. Hence, present proposed defendant No.4 is also necessary party in the present suit. If application is allowed no loss or harm will be caused to the other side, on other hand he will be put to great loss and hardship. Hence, prays to allow the application.

After filing of the said application this court got issued notice to proposed defendant No.4. The same was duly served. He has appeared through his counsel. But failed to file his objection.

Heard on the application and perused the material placed on record.

On perusal of the record it clearly reveals that the plaintiff has filed the present suit for the relief of Declaration, Partition and separate possession and permanent Injunction. When case was posted for argument, meanwhile counsel for plaintiff has submitted on 23.03.2017 he was filed I.A. No.11. But no steps has been taken. Hence, this court got issued notice to the proposed defendant No.4. In the application plaintiff has contended that during the pendency of suit defendant

No.2 has sold the above stated suit property in favor of this defendant. Hence, he is also necessary party in the present suit and in the absence of the same the present suit of the plaintiff is proceed against defendants it multiplicity of proceedings.

After filing of the present application seeking impleading the proposed defendant No.4 as defendant No.4, this court has issued I.A. notice to the proposed defendant No.4 and same was duly served and he has appeared before the court. But failed to file his objection. In this case is present suit is proceed in the absence of proposed defendant No.4 will results multiplicity of proceedings. Hence, to minimize the litigation, it is just and proper to allow the application. Hence, with these observations, I proceed to pass the following:

ORDER

I.A. No.XI filed by the counsel for plaintiff U/order 1 Rule 10(2) of CPC is hereby allowed and thereby proposed defendant No.4 is ordered to be arrayed as defendant No.4 in the present suit.

Plaintiff is directed to implead the proposed defendant No.4 as defendant No.4 in the cause title of the plaint and file amended plaint.

Present case is for the year 2013. Hence, counsel for plaintiff is directed to amend the plaint and furnished the amended plaint on next date of hearing without taking further adjournment.

Hence case is posted for amended plaint.

Call on 12.11.2019

Addl. C.J. & JMFC Bailhongal