

O.S.No.828/2006

14-06-2022

Heard counsel for plaintiff and proposed defendants on I.A. No.26 which is filed under order 1 Rule 10(2) of C.P.C.

The applicants by name Ashwathamma and others who are stated to be the children of one Smt. Chennamma who is the sister of deceased Narayanappa who is defendant No.11 to the suit. The said Narayanappa died during pendency of suit. The plaintiff has informed to the court that the said Narayanappa died issue-less. Therefore they filed I.A. No.24 seeking to bring the applicants as legal heirs of deceased defendant No.11.

The defendants No.1 to 5 & 13 objected the said application by contending that the children's of sister of deceased cannot be considered as legal heirs. Therefore the said application has been withdrawn by the plaintiff. Now the children of sister of deceased defendant

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No.11 themselves filed this instant application seeking implead them as legal heirs of deceased defendant No.11. Admittedly the said defendant No.11 died issue-less. The cause title also indicate that the father of defendant No.11 by name Yamanappa also predeceased him.

The Genealogical Tree produced by the applicants indicate that the sister of Narayanappa also died. Therefore keeping open the rights of applicant and keeping open the aspect of order of succession among the Class-II heirs of said Narayanappa the I.A. is allowed and applicants are permitted to implead themselves as defendant No.11(a) to (e). The plaintiff shall carry out necessary amendment and shall file amended plaint by next date.

Heard counsel for plaintiff and defendants on I.A. filed under order 6 Rule 17 of C.P.C. seeking to amend the plaint by

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incorporating boundaries to the schedule properties. The plaintiff intends to amend the plaint by incorporating boundaries to the suit property. The proposed amendment is necessary for proper adjudication of lis. Hence I.A. No.22 is allowed and plaintiff is permitted to amend the plaints as sought in I.A.

Heard counsel for plaintiff and proposed defendants on I.A. No.28 which is filed under order 1 Rule 10(2) of C.P.C. seeking to implead one Sri. Hemachandra Raju as additional defendant to the suit. On the ground that he has purchased the suit property during pendency of suit. The presence of proposed defendant is necessary complete adjudication of lis. Therefore considering the cause shown in the application I.A. is allowed and plaintiff is permitted to implead the said proposed defendant as defendant No.14 to the suit. They shall carry out necessary amendment and shall file amended plaint by next date.

Call on : 21-06-2022.

**Addl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**