

ORDERS ON I.A No.16

Plaintiff has filed I.A.No.16 Under Order 1 Rule 10(2) R/w Sec.151 of CPC to implead proposed defendant No.12 in this case.

2. The Plaintiff No.1 has sworn to an affidavit in support of this I.A and contended that plaintiffs have filed this suit for Partition and Separate Possession. Plaintiffs and defendants are the members of Joint Family. During the pendency of the suit defendant No.8 and his wife have entered into Sale Agreement with proposed defendant No.12 to sell Item No.6. Hence, proposed defendant is proper and necessary party to the suit. Therefore, prays to allow the I.A in the interest of justice and equity.

3. Proposed defendant has filed objection to this I.A and denied entire I.A and affidavit averments as false and contended that above suit was dismissed long back and there after defendant No.8 and his wife have executed Sale Agreement in favour of proposed defendant No.12. The proposed defendant is bonafide purchaser. With a sole intention to grab the suit property plaintiffs have filed this IA by misleading the court. Hence, prays to dismiss the I.A with exemplary cost in the interest of justice and equity.

4. The points that arise for my consideration are as follows;

1. Whether I.A.No.16 filed by the Plaintiffs under Order 1 Rule 10(2) R/w Sec.151 of CPC., deserves to be allowed?

2. What order?

5. Heard affidavit and objection averments and perused the materials placed before me.

6. My findings to the above points are as follows;

POINT No.1 : In the Affirmative

**POINT No.2 : As per final order
for the following;**

REASONS

7. Point No.1: Plaintiffs have filed this suit for Partition and Separate Possession against the defendants. It is the case of the plaintiffs that though defendant No.8 has got no title over Item No.6, he along with his wife have executed Agreement for sale in favour of proposed defendant. In this regard plaintiffs have produced copy of the Registered Sale Agreement dated:11.06.2021 which goes to show that defendant No.8 has agreed to sell Item No.6 for sale consideration of Rs.74,00,000/- and received earnest money of Rs.50,00,000/- through cheques. Since this is a suit for partition and Separate Possession and during the pendency of the suit defendant No.8 has entered in to sale agreement, he is proper and necessary party to the suit for proper adjudicate of the matter in dispute. Hence, I answer **Point No.1 in the Affirmative.**

8. POINT No.2: For the aforesaid reasons. I proceed to pass the following;

ORDER

I.A No.16 filed by the plaintiffs under order 1 Rule 10(2) R/w Sec.151 of CPC is hereby allowed.

The Proposed defendant by name Sri.M. Venkatesh S/o. J. Muniyappa is hereby impleaded as defendant No.12 in this case.

Plaintiff is directed to carryout amendment and furnish amended plaint.

Call on - 03.02.2026

(SHILPA.H.A)
Senior Civil Judge & JMFC
Doddaballapura.