

**ORDERS ON I.A.NO.VII**

Plaintiffs have filed I.A.No.7 under Order 1 Rule 10(2) R/w Sec.151 of CPC to implead proposed defendant No.11 & 12 in this case.

2. The plaintiff No.2 has sworn to an affidavit in support of this I.A and contended that they have filed this suit for partition and separate possession in respect of the suit schedule properties. In order to deprive the legal right of the plaintiffs over the suit schedule properties, Kempaiah, Nanjaiah and their children have sold the item No.1 & 2 in favour of defendant No.10 under a Registered sale deed dated:09.11.2005. Defendant No.10 died in the year 2018 by leaving behind his wife and son as LR's. The proposed defendants are the LR's of defendant No.10 and they have changed khatha of these properties in their names and hence they are proper and necessary parties to the suit. Hence, prays to allow the I.A in the interest of justice and equity.

3. In spite of service of notice to the proposed defendants, they have failed to file objection and deny the I.A and affidavit averments as false.

4. Heard, perused the record and found that this is a suit for partition and separate possession. On perusal of the I.A averments it goes to show that defendant No.10 died in the year 2010 i.e., prior to institution of the suit. The suit summons also returned reporting defendant No.10 is dead. Since proposed defendants are the wife and son of the defendant No.10 being the purchaser of the suit item No.1 &

2, they are proper parties to the suit. If they are not impleaded and interim order is obtained against them, they may alienate the suit schedule property which may leads to multiplicity of proceedings and also cause delay and latches. Moreover, proposed defendants are not filed objection and objected for impleading them as defendant No.11 & 12. Hence, I.A.No.7 deserves to be allowed. Accordingly, I proceed to pass the following:

**ORDER**

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

**Proposed defendants are hereby impleaded as defendant No.11 & 12.**

**Plaintiffs are permitted to carry out amendment and furnish amended plaint.**

**Call on - 17.04.2025.**

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