

ORDER ON IA U/O 1 RULE 10 OF CPC

The present IA is filed by the plaintiff and sought for impeding of the proposed defendant by name Madhusudhan .G. It is case of the plaintiff that she had file the present suit against the defendants for the relief of partition and separate possession. It is further averred that the defendant no.4 has filed his written statement, at that point of time the plaintiff has come to know about the transaction of the 5th defendant in respect of the suit scheduled property. Therefore, the plaintiff has come up with this IA and sought relief accordingly.

On the other hand, after service of notice the proposed defendant has appeared through his learned counsel and opposed the present application. It is contented that the plaintiff has filed the present suit without knowing the real factum. It is further contended that the alleged transaction has been taken place during the year of 2012, thus it is very apparent that the plaintiff has instituted the present suit without verifying the documents these grounds prayed to dismiss the present IA.

Heard both sides ,perused materials on records

There is dispute regarding nature the suit. It is the specific case of the plaintiff that she came to know the alleged transaction of proposed defendant ,only after the filling of the written statement of the 4th defendant. It is further averred that if this application is not allowed ,she would suffer loss .

On the other hand it is the strong contention of the proposed defendant that, the plaintiff has filed the present suit without verifying the proper documents. It is further contended that the

transaction had been taken place during the year of 2012, the plaintiff has come up with this application very belatedly. Hence, prayed to reject the present application perusal of the record it is very apparent that trail is yet to be commenced. Whether the 4th defendant has got every right to sold the alleged land to the proposed defendant or not needs to be decided. Therefore, having considering the nature of the suit, and in order to avoid the multiplicity of proceedings, and in the interest of justice and equity this court is of the opinion that ,the present application is deserves to be allowed. Hence,the following

ORDER

Application filed by the
plaintiff U/O 1 rule 10 of CPC
is allowed.

Addl. Civil Judge & JMFC.,
Hosakote.

For amendment of plaint BY