

**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
HOSAKOTE.**

PRESENT:

Sri. Arun Kumar.G. B.A., LL.B.
Senior Civil Judge & JMFC,
Hosakote.

Dated this the 17th day of August 2024

O.S.No.2258/2022

Plaintiff/s : Smt.Maqbool Jan @ Maji

- V/s -

Defendant/s : Sri.K.R.Keshavareddy

Applicant/s : Smt.Maqbool Jan @ Maji

Provision under which the application is filed	1) Order 1 Rule 10 (2) R/w Section 151 of CPC
Relief sought for	To implead the applicant as defendant No.2
The date on which the applications are filed	19-04-2022
Number of the applications	I.A.No.1/2022
The date on which the objection is filed by the different opponents	09-11-2023
The date on which the order is passed on the said application	17-08-2024

Orders on I.A.No.1/2022

The plaintiff has filed the above application under Order 1 Rule 10 (2) R/w Section 151 of CPC seeking permission to implead proposed defendant as defendant No.2 as he is the necessary party to the suit.

2. In the annexed affidavit it is stated that the plaintiff has filed the above suit against the defendant for the relief of declaration and possession with respect to suit schedule property. But the defendant has avoided to receive the summons. In the mean time he has created the registered sale deed dated 7-10-2020 in favour of proposed defendant and katha was also changed in his name. Hence, his presence is just and necessary in the above case to adjudicate the matter. Hence, prays to allow the application.

3. The proposed defendant has filed objections to the above application by denying the statement made by the plaintiff and further contended that the plaintiff has filed the above suit by suppressing the material facts after lapse of 14 years from the date of execution of GPA, agreement of sale as

well as affidavit by the plaintiff and her family members. On the basis of the said GPA, the defendant had executed the registered sale deed dated 7-10-2020 in favour of the proposed defendant after completion of non-alienation period. Now, the proposed defendant is in possession of the suit schedule property by putting up a compound wall on the entire property and he has paid taxes to the concerned authority. Hence, the application is not maintainable and the same is liable to be dismissed.

4. Based upon the above contentions, the following points arise for consideration of this court:

1. Whether the plaintiff has made out sufficient grounds to allow the application?

2. What order?

5. Heard arguments. On due perusal of the records, the court findings on the above points are as under:

Point No.1	:	In the Affirmative,
Point No.2	:	As per final order for the following;

REASONS

6. **Point No.1:-** The plaintiff has filed the above application to implead the proposed defendant as defendant No.2 in the above case. In support of her case she has produced the RTC extracts, copy of sale deed dated 7-10-2020 and other documents.

7. The proposed defendant denied the statement made by the plaintiff and further taken a specific contention that though the plaintiff and his family members executed the GPA and other documents in favour of proposed defendant by suppressing the said material facts has filed this suit. Further, they have also entered in to compromise in O.S.No.507/2010. In support of his defence, he has not produced any documents.

8. On perusal of available records clearly goes to show that the above suit is filed in the year 2019 and during the pendency of this suit the proposed defendant has purchased the suit schedule property on 7-10-2020. Whether the plaintiff is having right over the suit schedule property or not, it requires a full fledged trial. Therefore, the proposed defendant being the subsequent purchaser of the suit property he is the proper and

necessary party to this suit. Hence on the above reasons, point No.1 is answered in “**Affirmative**”.

9. **Point No.2** :- In view of the aforesaid findings on point No.1, I proceed to pass the following:

ORDER

I.A.No.1/2022 filed by the plaintiff under Order 1 Rule 10 (2) R/w Section 151 of CPC is hereby allowed.

The plaintiff is hereby permitted to implead the proposed defendant as defendant No.2.

The plaintiff is hereby directed to amend the plaint and shall furnish amended plaint.

No order as to costs.

(Dictated to the stenographer, transcribed by her, corrected by me and then pronounced by me in the open court on this the 17th day of August 2024.)

(Arun Kumar.G)
Senior Civil Judge & JMFC,
Hosakote.

Order pronounced in the open court
vide separate :

ORDER

I.A.No.1/2022 filed by the plaintiff
under Order 1 Rule 10 (2) R/w Section
151 of CPC is hereby allowed.

The plaintiff is hereby permitted to
implead the proposed defendant as
defendant No.2.

The plaintiff is hereby directed to
amend the plaint and shall furnish
amended plaint.

No order as to costs.

For compliance.

Call on:19-10-2024.

Senior Civil Judge & JMFC,
Hosakote.

