

20.12.2018

Plaintiff by Sri
Defendant by Sri.
For orders

**ORDERS ON APPLICATION FILED BY
THE APPLICANTS UNDER ORDER 1
RULE 10 R/W SEC.151 OF CPC**

Sri. Dayananda, advocate files vokalath for proposed applicants namely Manjula, Manoj Kumar, Prasanna K.R. and Krupashankar K.R. to implead them as proposed defendants 3 to 6.

2. In the accompanying affidavit one of the applicant Krupashankar has stated on behalf of other applicants that, his elder brother has filed appeal before the Hon'ble Senior Civil Judge, Gowribanur and said Court was ordered and remanded back the suit by setting aside the judgment and decree. They have good defence on merits and to protect their valuable properties claimed by bring legal heirs of defendant No.2 as per law. This being the suit for declaration and permanent injunction, proposed applicants 3 to 6 are necessary parties to the suit. No prejudice or hardship will be caused to any of the parties if the I.A. is allowed. Hence, this application.

3. The counsel for plaintiff has not filed any objection to the application.

4. I have heard both sides and perused the materials on record.

5. This is a suit filed by the plaintiff for the relief of declaration and permanent injunction with respect to suit schedule property. The counsel for plaintiff had not impleaded the proposed applicants as defendants 3 to 6 as parties to the suit. The stage is posted for arguments on main suit. At the stage, the counsel for applicants has brought proposed applicants as defendant No.3 to 6 on record by filing this application. This being the suit for declaration and permanent injunction against the defendants. The right to survives on the proposed applicants 3 to 6, since they are the legal heirs of defendant No.2 and claim their right with respect to suit schedule property. Therefore, due to the mistake committed by the counsel, the parties herein should not suffer. Hence, a fair opportunity should be given to the proposed applicants as defendants 3 to 6 to come on record and to prove the written statement averments. In order to avoid further multiplicity of proceedings and to effect proper adjudication of the suit, I proceed to pass the following:

ORDER

The interlocutory application filed by the defendant No.2 under order 1 rule 10 r/w Sec.151 of CPC is hereby allowed.

The plaintiffs are hereby
permitted to carry out the necessary
amendment and to file amended plaint
by 23.1.2019

No order as to costs

Dictated to the Stenographer, transcript computerized
by him, corrected, revised and then pronounced in the open
Court on this the 20st day of December 2018.

(PAVITHRA R.)

Addl. Civil Judge and JMFC.,
Gowribidanur