

ORDERS ON IA No.VI

The present application is filed by the proposed defendants Nos.2 to 6 under Order 1 Rule 10 (2) R/W Sec.151 of C.P.C seeking their impleadment in the suit.

2. In the affidavit filed in support of the application, the defendant has filed his affidavit that the proposed defendant No.2 is his second wife, the proposed defendants Nos.3 to 5 are his children and proposed defendant No.6 is his mother and they are also entitled to get their respective shares in the suit schedule properties. As such the proposed defendants are proper and necessary parties to the proceedings in order to adjudicate the matter properly and prosecute the case in order to get their legitimate rights. On these grounds and such others, it is prayed for allowing the application.

3. *Per contra*, the plaintiffs have filed their objections to the application, contending that the proposed defendants have not produced any documents to show before the court as to who they are. Further it is contended that the counsel for the defendant is also representing the proposed defendants and a belated stage the present application is filed. It is also contended by the plaintiffs that the

proposed defendants are not necessary parties to the suit. On these grounds and such others, it is prayed for dismissal of the application.

4. Heard arguments. Perused records.

5. The suit of the plaintiff is one for the relief of partition and separate possession. The plaintiffs have brought the present suit against the defendant, who is their father. Now the proposed defendants have filed the present application to get themselves in the suit. The proposed defendant No.2 is the second wife of the defendant. The proposed defendants Nos.3 to 5 are the children of the defendant through her second wife. The proposed defendant No.6 is the mother of the defendant. Now whether they are entitled for any share or not and if they are entitled, to what extent they are entitled is matter of trial. However the fact remains, the proposed defendants have interest in the suit schedule property. More so, the proposed defendant No.6 has exclusive right in the suit schedule property. The presence of the proposed defendants is necessary for just and complete adjudication of the matter. Thus for these reasons, this court is of the considered opinion that the application deserves to be allowed. In the light of foregoing discussions, this court proceeds to pass the following

ORDER

I.A.No.VI filed by the defendants Nos.8 and 9 under order 1 Rule 10 (2) R/W Sec.151 of CPC is hereby allowed.

The proposed defendants Nos.2 to 6 are permitted to bring themselves on record.

The plaintiffs are directed to carry out amendment of the plaint within 14 days from today and shall amended plaint by next date of hearing.

*For filing of amended plaint by **11-12-2024.***

Senior Civil Judge & JMFC,
Challakere