

COMMON ORDERS ON I.A.NO.20 AND

21

The plaintiff has filed these 2 applications U/O.I rule 10(2) of CPC at IA.No.20 she has sought to implead proposed defendant No.4 to 13 and at IA.No.21 to implead proposed defendants as defendant No.14 to 20 in the interest of justice.

2. The plaintiff has submitted that, this court by its order dated:11.04.2023 has allowed IA.No.19 U.O 14 R. 5 of CPC and 2 additional issues have been framed, out of it an additional issue is directly relating to the non joinder of necessary parties to the suit. Therefore the plaintiff submitted that, inclusion of proposed defendants is necessary for just decision of the case.

3. The plaintiff further submitted that, proposed defendant No.4 to 6 are sons of Late. Giryamma D/o. Junjappa, proposed defendant No.7 is daughter of Late. Junjappa, proposed defendant No.8 to 10 are sons and daughters of Omkaramma D/o. Late. Junjappa who is pre-deceased sister of daughter of defendant No.1 and 2,

the proposed defendant No.11 and 12 are the daughters of Nagendrappa and proposed defendant No.13 is 4th daughter of Junjappa who is plaintiff No.1 in present suit. The plaintiff has submitted that, the proposed defendant No.14 to 20 are purchasers of the suit schedule properties under various registered sale deed. Thereby contended that, all of them are necessary and proper parties to the suit. Hence, prayed to allow the applications.

4. After service of notice to the proposed defendants Sri. GGG appeared for proposed defendant No.4 to 13, Sri. RBR despite memo of appearance for proposed defendant No.19 and Smt. HBR filed vakalath for proposed defendant No.20. Rest of the proposed defendants after service of notice remained absent.

5. I have heard the learned advocates and perused the records, since, the proposed defendants said no objections to these applications. As such considering the nature of the suit and relationship of proposed defendant No.4 to 13 with the parties on record and also the fact that, the proposed No.14 to 20 have purchased the suit

schedule properties. Therefore the presence of proposed defendant No.4 to 20 on record is necessary, they are all necessary and proper parties to the suit. Hence, the following:

ORDER

The IA.No.20 and 21 filed by the plaintiff U.O 1 R. 10(2) of CPC are allowed.

Thereby plaintiff is permitted to implead proposed defendant as defendant No.4 to 20 by amendment to the plaint cause title within 3 days from this order and shall furnished amended plaint also.

For compliance 04.03.2024.

**Senior Civil Judge & JMFC
Hiriyur**