

Orders on I.A. No.17 to 19

The I.A.No.17 and 18 have been filed by the plaintiffs U/o.6 R. 17 and U/o.1 R. 10(2) of CPC respectively. Whereby they have prayed to permit them to amend the plaint as proposed and to implead the proposed defendant as defendant No.18 in the interest of justice.

The I.A.No.19 is filed by one Huligemma U/o.1 R.10(2) of CPC and prayed to come on record as plaintiff No.5 since she is the sister of plaintiffs No.1 to 4 and defendant No.1 to 10. As such submitted that, she is interested in the subject properties. Thereby prayed to allow the application.

The proposed defendant after service of notice has not appeared and objections on be half of the defendants on record to I.A.No.17 and 18 is also not filed. The I.A.No.19 remained un opposed.

Hence heard and perused the records.

The proposed amendment is to rectify the serial number of parties and the suit properties in body of the plaint as per list. The proposed defendant No.18 is daughter of defendant No.4 whose other two children are already on record. The proposed plaintiff No.5 is a natural sister of plaintiffs and defendant No.1 to 10 on record. The suit is for declaration of title and consequential injunction in respect of landed properties. Prima facie it appears that, the inheritance to the suit schedule properties is not in dispute between the plaintiffs, defendant No.1 to 10 and proposed plaintiff No.5 on record. Therefore having regard to the nature of the suit and the relationship between the parties and proposed plaintiff No. 4 I am of the opinion that, the proposed amendment and inclusion of plaintiff No.5 is

necessary. Since the proposed defendant No.18 is the daughter of defendant No.4 and sisters/brother of proposed defendant are already on record. Thereby her presence in the suit is required.

It is relevant to note here that, the proposed defendant No.18 despite service of notice has not appeared. As such applications at I.A.No. 17 to 19 are deserved to be allowed. Hence to following:

ORDER

The I.A.No.17 to 19 filed U/o.6 R. 17 and U/o.1 R. 10(2) of CPC are allowed on cost of Rs.400/-. Thereby plaintiffs permitted to amend the plaint and add the proposed defendant as defendant No.18 and proposed plaintiff as plaintiff No.5 within 7 days from this order and shall furnish amended plaint also. For compliance by 19.06.2023.

Sr. Civil Judge & JMFC.,

Hiriyur.

