

Orders on IA No.7

This IA No.VII has been filed by the plaintiffs to bring proposed defendant No.8 and 9 U/o 1 Rule 10(2) CPC praying to permit to implead them in the suit.

In this suit for partition and separate possession sought against the present defendants No.1 to 7, when the case is posted for plaintiff's evidence, the present application has been filed by the plaintiff with a prayer seeking permission to implead the proposed parties as defendant No.8 and 9 stating, that since the Id counsel appearing for the present defendants posed the question with regard to the Item No.3, 4, 7 and 11 of suit schedule properties about sale of those properties in favour of proposed defendants No.8 and 9, therefore they are necessary parties that the names of these parties has been left in the suit by inadvertence, so they are according to plaintiff, necessary parties to the suit.

As sworn by the plaintiff itself in the affidavit, the proposed parties also necessary parties without whom, the matter cannot be decided effectively. Hence, their presence is necessary in this suit for the effective and complete determining of matter in controversy between the parties. It is necessary to have them on record, therefore, his presence is necessary.

Notice to these proposed parties have been issued, but they remained absent, as noted on dated 10-11-2023 during the proceedings, and hence, proceeded to hear ex parte against them.

No objection as submitted by the learned present defendants' counsel, accordingly, I proceed pass the following:-

ORDER

The IA No.7 filed by the plaintiff U/o 1 Rule 10(2) CPC is hereby allowed, permitted to bring the proposed parties on record as defendant No.8 and 9.

The plaintiff is hereby directed to amend the plaint within next date of hearing and to file amended plaint.

No order as to costs. For amendment, and amended plaint and to issue summons to the additional defendants after amendment.

Call on : 08-02-2024

Senior Civil Judge & JMFC,
Holalkere.