

ORDER ON IA.No.25

An application U/o 1 rule 10(2) of CPC is filed by the plaintiffs to implead the proposed defendant Gangamma as defendant. The said application is supported by an affidavit sworn by plaintiff.

2. On the other hand, the proposed defendant appeared and filed objection.

3. Heard both side, perused material on record.

4. The following points arise for consideration:-

1. Whether the proposed defendant is a necessary party to adjudicate the matter effectively ?

5. My finding to the above point is in affirmative for the following:-

REASONS

6. Point No.1 :- The plaintiffs filed the suit for partition. It is to be noted that, the suit of the plaintiff is partly decreed. Against the said judgment the defendants preferred appeal in R.A.No.6/2020. In R.A.No.6/2020 point is also framed that, whether the proposed defendant Gangamma is a necessary party and said point answered in affirmative by the appellant Court. Hence in view of the order passed in R.A.No.6/2020. It is just and necessary to implead the proposed defendant. Hence, I proceed to pass the following;

ORDER

Application U/o 1 rule 10(2) of CPC filed by the plaintiffs is hereby allowed.

plaintiff is permitted to implead proposed defendant Gangamma as defendant No.12.

The plaintiff is hereby directed to amend the plaint and to furnish amended plaint.

Call on 01.06.2023.

Senior Civil Judge & JMFC.,
Hosadurga.