

**IN THE COURT OF THE CIVIL JUDGE AND ADDITIONAL
J.M.F.C., AT TARIKERE**

Present : SMT.PAVITHRA.M.D, B.A., LL.B.,
Civil Judge & Addl.JMFC. Tarikere.

OS.No.207/2018

Dated: 17-11-2020

ORDERS ON I.A.No.6

The plaintiff has filed this application U/Or.1 Rule 10(2) of CPC to implead the application schedule persons as defendant No.7 and 8.

2. It is averred in the affidavit annexed to the application that, at the time of measurement of the suit property, one K.R.Halappa was passed away and hence, his wife Smt.Annapurnamma is arrayed as defendant No.1 in the present suit. But defendant No.3 and 6 have contended that, all the legal heirs of Sri.K.R.Halappa are necessary parties to the suit and hence, the suit is bad for non-joinder of necessary parties. The application schedule persons are the sons of deceased K.R.Halappa. Hence, the plaintiff submitted that, it is necessary to implead the application schedule persons as defendant No.7 and 8. Hence, this application.

3. In pursuance of the service of notice, the proposed defendants entered their appearance their counsel and orally objected the application.

4. Heard on IA.No.6.

5. Perused the application in the backdrop of materials available on record. The plaintiff has filed the instant suit declaration and possession and also for mesne profits in respect of the suit schedule properties. It is the case of the plaintiff that, one K.R.Halappa is the neighboring land owner of the suit 'A' schedule property, but after service of legal notice issued by the plaintiff, the said Halappa was passed away. Hence, defendant No.2 to 5 are made as parties to the present suit being the legal heirs deceased Halappa. As rightly asserted by the plaintiff, defendant No.3 and 6 in their written statement have contended that, the LR's of K.R.Halappa have not been made as parties in the present suit. Hence, the plaintiff came up with the present application to implead the application schedule persons as defendant No.7 and 8, since they are the sons of deceased K.R.Halappa. On the other defendant, the proposed defendants have not seriously resisted the application. Further, there is no dispute with regard to relationship between deceased K.R.Halappa and the proposed defendants. Hence, the presence of proposed defendants is very much necessary for effective adjudication of the matter in dispute. Wherefore, in order to meet the ends of justice and to avoid multiplicity of proceedings, I proceed to pass the following:

ORDER

IA.No.6 filed under Order 1 Rule 10(2) of
C.P.C is hereby allowed.

The proposed defendants are hereby
impleaded as defendant No.7 and 8.

To carry out amendment and amended
plaint by 08.12.2020.

Sd/-
(PAVITHRA.M.D)
CIVIL JUDGE AND
ADDL.J.M.F.C., TARIKERE.