

**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.

O.S.No.371/2018

Dated this 14th day of November 2019

ORDERS ON IA.7

The plaintiffs have filed this application U/Or.1 Rule 10(2) R/w Sec.151 of CPC to implead the application schedule person as defendant No.3.

2. It is averred in the affidavit annexed to the application that, the suit schedule properties are nearby lands of the National Highway and some extent in the suit schedule properties is acquired by the Land Acquisition Officer. There is a chances of payment of compensation amount by the Land Acquisition Officer in the name of the 1st defendant. The oral request made by the plaintiffs to the Land Acquisition Officer not release the compensation amount in favour of defendant No.1 is refused. Hence, it is necessary to implead the said Land Acquisition Officer as defendant No.3 in the present suit. Hence, this application.

3. Inspite of service of notice, the proposed defendant remained absent.

4. Heard on application.

5. Perused the application in the backdrop of materials available on record. The plaintiffs have filed this suit for partition and separate possession of their share in the suit schedule properties. It is the claim of the plaintiffs that, some extent in the suit schedule properties is acquired by the Land Acquisition Officer and he is going to release the compensation amount in favour of defendant No.1 and the oral request made by the plaintiffs not to release the said compensation amount in favour of defendant No.1 is also rejected. Hence, the plaintiffs submitted that, it is necessary to implead the said Land Acquisition Officer as defendant No.3. The plaintiffs have also filed a copy of the notice and the endorsement issued by the Land Acquisition Officer in favour of the counsel for the plaintiffs. As per the endorsement issued by the Land Acquisition Officer, suit item No.2, 4 and 5 are acquired for road widening process. Though, the proposed defendant is not a necessary party in a suit for partition, but in order to know about the right of the parties over the suit schedule properties to release the compensation amount, the proposed defendant became proper party to the present suit. Further, in order to avoid multiplicity and to meet to the ends of justice, the application filed by the plaintiffs is deserves to be allowed. Accordingly, I proceed to pass the following:

ORDER

IA.No.7 filed under Order 1 Rule 10(2) R/w
Sec.151of C.P.C is hereby allowed.

The proposed defendant is hereby impleaded
as defendant No.3.

To carry out amendment and amended
plaint by 16.12.2019.

Sd/-

**(PAVITHRA.M.D)
CIVIL JUDGE AND
ADDL.J.M.F.C., TARIKERE.**