

ORDERS ON I.A. NO.6 FILED UNDER ORDER 1 RULE
10 R/W Sec.151 of CPC

The Plaintiffs have filed IA Under Order 1 Rule 10 R/w Sec.151 of CPC to implead proposed defendant as defendant No.7. The Plaintiffs submits that they have filed above suit against the defendants for the relief of Declaration and Permanent Injunction in respect of suit schedule property. It is stated by the plaintiff that defendant No.1 has sold suit schedule property in favour of proposed defendant under sale deed dated 02.11.2022 without consent and knowledge of the plaintiff and order to cheat share of the plaintiff in the suit schedule property and as such the said sale deed is illegal. Hence the purchaser / proposed defendant is necessary party to this suit and without his presence, they are unable to get their share in the suit schedule properties. Accordingly they pray to allow the application.

2. The proposed defendant No.1 to 6 have not filed objection to above application. Counsel for proposed defendant No.7 submits no objections to above said application.

3. Heard the arguments of plaintiffs and defendants and applicant.

5. The following points arise for consideration of this court:

Point No.1: Whether the proposed defendant is necessary and proper party to this suit to elucidate the real dispute between the parties?

Point No.2: What order?

6. Answer of this court to the above points are in affirmative for the following:

Point No.1: In the Affirmative.

Point No.2: As per the final order for following:

REASONS

7. Point No.1: The Plaintiffs have filed this suit against the Defendants for Declaration and Permanent

Injunction in respect of suit schedule property. It is contended by applicant that defendant No.1 has sold suit schedule property in favour of proposed defendant under sale deed dated 02.11.2022 without consent and knowledge of the plaintiff and order to cheat share of the plaintiff in the suit schedule property and as such the said sale deed is illegal. Hence, proposed Defendant is having any interest in the suit schedule property, he became necessary party to this suit. Therefore, the proposed Defendant is necessary and proper party to this suit to elucidate the real dispute between the parties. Accordingly, I answer point No.1 in ***Affirmative***.

8. Point No.2: For the aforesaid reason I proceed to pass the following:

ORDER

I A No.6 filed by the Applicant U/o 1 Rule 10(2) is hereby allowed, Plaintiff are directed to implead J.Ramakrishna as Defendant Nos.7 to this suit, by suitably amending the cause title of the plaint.

To carryout amendment and to file amended plaint R/by 07.08.2024.

**Addl. Civil Judge & JMFC.,
Gundlupet**

OS NO. 166/2021