

ORDER ON IA.No.IV

This application has been filed by the plaintiffs U/O I Rule 10(2) of CPC praying to implead one Nataraju S/o Basavanna as defendant No.3 to this suit.

The proposed defendant No.3 has filed objection.

Heard both the sides, I have perused the relevant materials available on record.

This suit has been filed by the plaintiffs against the defendants for relief of partition contending that the suit schedule properties are the ancestral and joint family properties of the plaintiffs and the defendants. It is the further case of the plaintiffs that during the pendency of this suit i.e., on 16.12.2021 the defendant No.1 has executed the registered gift deed in favour of the proposed defendant No.3, with regard to suit schedule properties i.e., Sy.No.143/1 measuring 1 acre 22 guntas, Sy.No.144/4 measuring 21 guntas, Sy.No.144/5 measuring 26 guntas, Sy.No.144/6 measuring 13 guntas and Sy.No.146/4 measuring 1 acre 4 guntas. The proposed defendant No.3 who is none other than the grandson of the defendant No.1. Even the plaintiffs have filed a memo annexing registered gift deed dated 16.12.2021. From this it is evident that, the

suit properties have been alienated by defendant No.1 in favour of proposed defendant No.3.

The proposed defendant No.3 who has filed objection to this IA.No.IV has only stated that he is not required to be made as party to this suit apart from this absolutely nothing has been contended by him.

During the pendency of the suit the properties have been alienated by defendant No.1 in favour of proposed defendant No.3, which is very much evident by the photocopy of the gift deed dated 16.12.2021 further it is not the case of the proposed defendant No.3 that the properties were not alienated to him. Though this proposed defendant No.3 is not the necessary party but still he is a proper party. Therefore, this application deserved to be allowed, as a result the same is hereby allowed accordingly.

The proposed defendant No.3 is hereby ordered to be impleaded as defendant No.3 to this suit. The ld. counsel for the plaintiffs is hereby directed to carried out the necessary amendment and shall furnish the amended plaint on the next date. Call on 24.08.2023.

19.06.2023
**Civil Judge & JMFC.,
Yelandur.**