

ORDERS ON I.A.NO.5

I.A.No.5 is filed U/O.1 Rule 10(2) r/w Sec.151 of CPC seeking an order to bring the proposed respondent No.9 by name Basappa.G as respondent No.9 in this appeal.

2. After filing this application, notice sent to the proposed respondent No.9. He appeared through his counsel, but not filed any objection to I.A.No.5.

3. Heard learned counsel for the appellant.

4. Perused the records.

5. The following point do arise for my consideration;

“Whether the proposed respondent No.9 by name Basappa.G, is necessary and proper party to this appeal?”

6. My answer to the above said point is in the affirmative, for the following;

R E A S O N S

7. The appellant No.2 has filed the affidavit supporting the application wherein he has stated that the respondent No.1 died leaving behind respondent No.1(a) to (c) and they have sold part of the suit property to this proposed respondent No.9 vide registered sale deed dated 26.4.2023. Therefore, the appellant contended that proposed respondent No.9 being the purchaser is necessary party to the present suit/appeal to adjudicate the matter in issue.

8. As the appellant contended that during the pendency

of the appeal, the respondent No.1(a) to (c) have sold the property to the proposed respondent No.9 has rightly contended by the appellant for adjudicating the dispute, this proposed respondent No.9 is also a necessary and proper party to this appeal. Therefore, the application deserves to be allowed. Accordingly, I answer the above point in the affirmative and I proceed to pass the following;

O R D E R

I.A.No.5 filed by the appellant No.2 U/O. 1 Rule 10(2) r/w Sec.151 of CPC is allowed.

Said Basappa.G, as mentioned in the application is ordered to be impleaded as 9th respondent in this appeal.

In the facts and circumstances of the case, there is no order as to costs.

To carry out amendment of appeal and to furnish amended appeal memo by;

(Dictated to the Stenographer Grade-I, after his typing, corrected, signed and then pronounced in the Open Court dated this the 5th day of March, 2024).

(RAJESHWARI N. HEDGE)
Principal District & Sessions Judge,
Davanagere.