

**ORDERS ON I.A.No.IV**

The applicant has filed I.A.No.IV under Order 1 Rule 10 of the CPC, praying to impleaded her as proposed defendant No. 11.

In the annexed affidavit it is pleaded that, originally the plaint schedule properties are the the family properties of the father of the

applicant. And one Mr.Batyappa Poojary was the tenant of said properties. On the application of said Batyappa Poojary, Land Tribunal Bantwal has granted the occupancy right of the said properties in his favor. Against the said order one Bhavaniraya Kamath who is supposed to be the cousin brother of applicant has preferred appeal before Hon'ble High Court of Karnataka. But he was not in the possession of the said properties. He is a Adlthedar of plaintiff. Further the plaintiff is also not the owner of the suit schedule properties. After the death of her father, the applicant is the owner of the suit schedule property. Hence, prayed to allow the application.

The plaintiff has objected the same .

Heard. Perused the records.

The plaintiff has filed the present suit against the defendants for Permanent prohibitory injunction claiming that the defendants are interfering with the peaceful possession of the plaintiff over the suit schedule properties. In a suit for permanent injunction the plaintiff has to prove that, he is in possession of the suit schedule property on the date of filing the suit. If the applicant is the absolute owner of the suit schedule property, then she is at liberty to file suit against the plaintiff for necessary reliefs. If she is impleaded in the present suit, then the very cause of action for the suit will be deviated. Therefore, this court is of the opinion that, the applicant is not the necessary party to the present suit. Hence, I proceed to pass the following:-

**ORDER**

The I.A.No.IV filed under  
Order 1 Rule 10 of CPC is hereby  
rejected.

For issues:- 24.10.2019

**PRL. CIVIL JUDGE & JMFC,  
Bantwal.**

### **ORDERS ON I.A.No.III**

The defendant no.3 has filed I.A.No.III under Order VIII Rule 8(A) and Section 151 of CPC., praying receive documents as mentioned in the application.

2. In the annexed memorandum of facts it is pleaded that, at the time of filing of the suit the plaintiff has not produced some of the documents, which are very much necessary to prove her case. Hence, prayed to allow the application.

3. The defendant has not filed any objection to the IA.No.IV. Hence, objection to IA.No.IV is taken is nil.

4. Heard and perused the record.

5. The reasons assigned are satisfactory. No prejudice will be caused to the defendant in case the application is allowed. Hence, I proceed to pass the following

### **O R D E R**

I.A.No.IV filed by the plaintiff under Order 7 Rule 14 of CPC is hereby allowed on cost of Rs.500/-.

For further chief of PW.1:-  
11.09.2019

**PCJ & JMFC, Bantwal.**

