

ORDERS ON I.A.No.II

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

In the annexed affidavit it is pleaded that, originally the plaintiff schedule properties are 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 possession. In a suit for possession the plaintiff has to prove that, he is the absolute owner of the suit schedule property. But the applicant is claiming that she is the absolute owner of the suit schedule property. In case the application is not allowed it will lead to multiplicity of proceedings. Therefore, this court is of the opinion that, the applicant is a necessary party to the present suit. Hence, I proceed to pass the following:-

ORDER

The I.A.No.II filed under Order 1 Rule 10 of CPC is hereby allowed.

ORDERS ON I.A.No.III

The defendant no.2 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, due to oversight he could not produce some of the documents mentioned in the list, which are very much necessary to prove his case. Hence, prayed to allow the application.

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

4. Heard and perused the record.

5. It appears that the defendant no.2 intend to produce certified copies of the proceedings before Taluk Panchayath, Bantwal. The reasons assigned are satisfactory. No prejudice will be caused to the plaintiff in case the application is allowed. Hence, I proceed to pass the following

O R D E R

I.A.No.III filed by the defendant no.2 under Order VIII Rule 8(A) and Section 151 of CPC is hereby allowed.

For necessary amendment
and to file amended plaint:
06.09.2019

PCJ & JMFC, Bantwal.

