

03.06.2020  
For order

FDP No.25/2019

The present interim application has been filed by the petitioner seeking implead of the proposed respondent as respondent No. 15 of the petition. There is no objection to the application.

2. It is contended that the proposed respondent bank, on 07.12.2019, issued a public notice under the provisions of SRFAESI Act stating that one of the suit properties bearing CTS No. 4154/A/1A/2G/5 measuring 3001/9 square yards was mortgaged by the respondent No.13 in favour of the proposed respondent bank. The respondent No.13 is in default of loan amount of Rs. 20,00,000/- towards the proposed respondent bank. Only after publication of the notice, the petitioner has come to know the alleged transaction. Therefore, it is found necessary to implead the proposed respondent in the petition. On the contrary, inspite of service of the notice on the I.A. No.3 to the proposed respondent, no appearance was made to contest the I.A. No. 3.

3. The final decree proceedings has been initiated on the basis of the preliminary decree wherein shares of the parties in the suit properties have already been determined. It is now alleged that the proposed respondent has claimed mortgage of one of the suit properties by the respondent No.13. Such contention of the petitioner has not been denied by the proposed respondent or by the respondent No.13. As such, if the proposed respondent is impleaded as the party to the proceedings, it would

be helpful to determine the matter in dispute adequately. Though the proposed respondent does not seem necessary party, he may be considered as a proper party. Therefore, relief claimed under the interim application is considered and thus the following,

**ORDER**

The I.A. No. 3 filed U/o 1 Rule 10 (2) of CPC by the petitioner is allowed.

The petitioner is permitted to implead proposed respondent as respondent No. 15 of the petition and to amend the petition in this regard.

Amended petition shall be furnished within next date of hearing as per guidelines of the SOP issued by the Hon'ble High Court.

Call on: 17.06.2020.

II Addl. Senior Civil Judge  
Hubballi