

**ORDERS ON I.A NO. II FILED UNDER ORDER 1 RULE 10 OF
CPC BY THE PLAINTIFFS**

1. This application is filed by the plaintiff to implead the proposed defendant no. 3 in this case. In the affidavit annexed to the affidavit , the plaintiff has stated that the plaintiff has filed this case seeking the relief of declaration and injunction. IT is said that the proposed defendant is the purchaser of the suit property vide separate sale deed dated 01/08/2023 from the defendant No. 1. The suit property and the purchased property are one and the same .

2. The notice was sent to the proposed defendant, but he has not filed the objections to the said application , even though sufficient opportunity is given to him. Hence the objection to the said IA No. 2 was taken as nil.

3. Heard the counsel for the plaintiff . Perused the application and the other materials which are placed before the Court.

4. The point that arises for the consideration of this Court is ***“Whether the proposed defendant No. 3 is a proper and necessary party to the suit ?”***

5. This Court answers the above point in the **AFFIRMATIVE** for the following :

REASONS

6. This is a suit for declaration and injunction. The proposed defendant is the purchaser of the suit property from the hands of the defendant No. 1 through separate sale deed

dated 01/08/2023. The suit property is now in the hands of the defendant No. 3. Therefore in order to avoid the multiplicity of the proceedings the proposed defendant No. 3 has to be impleaded as a party in this case.

7. The proposed defendant has stepped into the shoes of the original owner. Therefore, it is necessary to implead him as the proposed defendant. Without his presence the suit would fail for non joinder of necessary party. Therefore the proposed defendant is a necessary party. Therefore at this stage, I am of the considered opinion that the proposed defendant is necessary party to the case and his presence is necessary for the complete adjudication of this suit. Hence for these reasons, this Court answers the above point in the **AFFIRMATIVE** and proceeds to pass the following :

ORDER

The IA No. II filed under Order 1 Rule 10 of CPC filed by the plaintiff is hereby allowed.

Plaintiff is directed to amend the plaint and file the amended plaint :19/08/2024

Addl. Civil Judge & JMFC, Ron