

IN THE COURT OF THE CIVIL JUDGE, ALUR

**Present: Asha K.S, B.A.L., L.L.B.,
Civil Judge, Alur.**

Dated this the 20th day of March 2019

O.S. No.293/2016

Plaintiff / s : Devegowda

-V/s-

Defendant / s : Rajashekhar & another

Parties to IA No.VIII

Applicant / s : Kantharaju

-V/s-

Opponent / s : Rajashekhar & another

ORDERS ON IA-VIII

This is an application filed by the applicant prays to implead him as additional defendant in the above case.

2. The applicant has sworn affidavit in support of IA-VIII wherein he has contended that, plaintiff has filed this suit for the relief of injunction against the defendant No.1 and 2. He is the owner of item No.2 of the schedule property and he is in possession. He recently came to know about the pendency of this suit hence, he filed this application.

3. On other hand the plaintiff has orally objected and prays to dismissal of IA.

4. Heard.

5. The points that arises for my consideration are as under:

- 1) Whether the proposed defendant is necessary party to adjudicate the matter in dispute?
- 2) What Order?

6. My findings to the above points are as under:

Point No. 1 : In the Negative.

Point No.2 : As per final order for the following....

REASONS

7. **Point No.1**: The plaintiff has filed suit for the relief of injunction against the defendant No.1 and 2. As per plaintiff he is in possession of the schedule properties. The defendant No.1 and 2 tried to interference with his possession over the suit properties.

8. The proposed defendant contended that, he is in possession of the item No.2 of the schedule property. He is also necessary party to this suit. As stated above it is the suit for injunction, in this plaintiff has to prove his possession and interference by the defendant No.1 and 2. As per plaintiff this proposed defendant has not interfered.

The plaintiff has not sought any relief against the proposed defendant.

9. In this suit title of the parties is not declaring. If the plaintiff is not in possession, he will not succeed in the case. There is no cause of action against the proposed defendant. If anybody denied his title then he has every right to approach the Court by filing separate suit. The plaintiff is not seeking any relief against the proposed defendants. In this case presence of proposed defendant is not necessary. I am of the opinion that the applicant has not made out sufficient grounds to allow the application. Hence, I answer to the point No. 1 in the **Negative**.

10. **Point No.2** : In the light of findings given to point No.1, I proceed to pass the following:

ORDER

The I.A.No.VIII U/O 1 rule 10 (2) CPC
filed by the applicant is hereby dismissed.

(Directly typed to my dictation over computer by the Stenographer, corrected, initialed and then pronounced by me, in the Open Court, on this 20th day of March -2019)

Civil Judge,
Alur.

