

ORDER ON IA NO. 1 & 6

Both applications are filed by the plaintiff under order 1 rule 10 (2) of CPC praying for an order to implead the persons mentioned in the applications as addl. defendant NO. 9 to 12.

Both applications of the plaintiff are supported by her affidavit. In her affidavit she has filed suit against defendant for partition of joint family properties and a proposed defendant have purchased portion of the properties. It is also sworn that said the proposed defendants are necessary parties to the present suit and their presence is necessary to adjudicate the present suit. Hence prayed to allow the application.

After filing of applications summons were issued to the proposed defendants and proposed defendant No. 10 appeared before the court but not filed objection to the application . Proposed defendant No. 9,11 and 12 absent before the court and they have placed exparte.

Heard the arguments of plaintiffs counsel .

The point that arise for my consideration are;

1. POINT No. 1 :- Whether the plaintiff has made out sufficient grounds to implead the proposed defendants as defendant No. 9 to 12. ?

2. POINT No. 2:- What Order?

My answer for the above points are as follows;

POINT No.1 :- In the affirmative.

POINT No. 2 :- As per final Order for the following;

// REASONS //

POINT No.1:- The plaintiff has filed both applications under Order 1 Rule 10(2) of CPC to implead the persons mentioned in the said applications as defendant No. 9 to 12. It is stated in the

affidavit accompanying to the application that she has filed suit against the defendants relating to joint family properties and the proposed defendants have purchased portion of the suit schedule properties. The proposed defendant No.10 who appeared before the court has not filed any objection to the applications. On perusal of the plaint, plaintiff has filed present suit against her husband and other defendants for the relief of partition. Now the plaintiff intends to implead the proposed defendants to the present suit who have purchased the portion of the schedule properties. Since the suit is filed for partition the presence of proposed defendants is necessary to pass considerable judgement. Their presence is necessary to adjudicate present suit. The plaintiff by swearing affidavit has stated that the proposed defendants are purchasers of suit schedule properties and by considering said reasons the applications deserved to be allowed. Hence, for the said reasons I answer Point No. 1 in the affirmative.

POINT No. 2 :- For the aforesaid reasons the following;

ORDER

The applications IA No. 1 and 6 under order 1 Rule 10(2) are hereby allowed. The plaintiff is hereby permitted to implead the proposed defendants as defendants No. 9 to 12 and carry out necessary amendments. No order as to cost.

(Sandesh Prabhu.B)
Addl. Civil Judge and JMFC.,
Arsikere.