

05.07.2024

ORDER

The proposed defendant No.6 filed I.A under Order 1 Rule 10 of CPC seeking impleading herself as defendant No.6.

2) In the affidavit it is stated that, she is a necessary party in the suit and plaintiff Jayamma has received an advance amount of Rs.50,000/- from her husband and executed an agreement of sale dated 05.04.2021 with respect to property bearing Sy.No.39, Khatha No.361, Site No.30 to an extent of 20 X 30 feet. Hence, she submitted that plaintiff is not at all having any form of right and interest over the suit property. Hence, filed instant application.

3) On the contrary the defendant No.2 and 3 filed objection as well as plaintiff filed objection. Plaintiff submitted that she had executed sale agreement with respect to suit schedule property in favour of husband of proposed defendant. She could not execute the sale deed in favour of husband of proposed defendant. The defendant No.2 and 3 submitted that the sale agreement which is executed in favour of proposed defendant's husband is differ from suit schedule property. Hence, prayed to dismiss the application.

4) Heard the arguments of the counsel for both sides and perused the materials on record.

5)The points that arise for my consideration are :

1. Whether the proposed defendant No.6 is necessary party to the suit?

2. What order?

6) My findings on the above points are as under:

Point No.1: In Negative

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

-.REASONS:-

7) **Point No.1:-** The applicant has filed instant application to state that her husband entered into sale agreement with respect to suit schedule property and now by colluding with the defendants plaintiff had filed instant suit, but on perusal of the document which is produced by the impleading applicant it is significant to note that, applicant is nothing to do with the suit property. More over the applicant has every remedy to file a different suit before the court as such suit schedule property is entirely differ from agreement property which is executed in favour of proposed defendant's husband.

8) At this juncture if application is allowed, it is nothing but prolong of proceedings. Prima facie reveals that the

intervening applicant is in colluding with the plaintiff and filed this instant application. The applicant is not at all necessary and proper party to this suit. Hence, I find that the applicant has not made out genuine ground to allow the application. Hence, I hold **Point No.1 in Negative**.

9) **Point No.2:** For the reasons discussed above, I proceed to pass the following;-

ORDER

I.A. which is filed by the applicant under Order 1 Rule 10 of CPC seeking impleadment of her as proposed defendant No.6 is hereby dismissed/rejected.

(ARUNA KUMARI A)

Senior Civil Judge and JMFC
Channarayapatna