

ORDERS ON I.A. NO.XVI

The suit is one for declaration and injunction.

2. The plaintiffs have filed application U/o I Rule 10(2) R/w Section 151 CPC which came to be numbered as I.A. No.XI praying this Court to implead the proposed defendants No.5 to 7 as they are necessary parties to the suit.

3. In the affidavit annexed to the application, it is stated that, due to oversight the parties are not impleaded and not with any intention. Impleading the proposed defendants No.5 to 7 will not cause any harm to the defendants. In spite of service of notice on I.A. No.XI the proposed defendants No.5 to 7 neither appeared, nor filed any objections to this application.

4. Heard the learned counsel for the plaintiffs.

5. Since Plaintiffs are the Dominus Litus they have every right to choose the parties. That apart even this Court is of the opinion that the proposed defendants No.5 to 7 are necessary parties to the suit so as to have a complete and effectual adjudication of the suit and to avoid the multiplicity of proceedings. Yet another ground to allow the application is that the defendants have not appeared and shown as to what injustice would cause to them if the application is allowed.

6 Therefore on a over all facts and circumstances of the case, and keeping the principles enumerated U/o 1 Rule 10 (2) of CPC this court proceeds to pass the following:

ORDER

The I.A No.XI filed by the plaintiff U/o 1 rule 10(2) of CPC is hereby allowed.

Consequently, plaintiffs counsel is directed to carryout the amendment and furnish the amended plaint.

Call on: -2023.

Addl. Civil Judge & JMFC,

Hirekerur

