

ORDERS ON IA NO. 5.

The applicant/proposed defendant No.3 and 4 by name Ningavva Basappa Hadapada and Rudrappa Basappa Hadapada have filed IA No. 5 under Order 1 Rule 10 (2) R/w 151 of CPC, to implead them as defendant No.3 and 4.

In the accompanying affidavit it is stated that, pertaining to suit schedule property, the plaintiff No. 2 filed the suit in O.S. No. 268/2011 which came to be decreed. To draw final decree FDP No. 13/2023 is pending. The proposed defendant No. 3 also filed O.S. No. 103/202023 which is also pending for adjudication. In the said litigation the proposed defendants are parties to the proceedings. The proposed defendants being share holders of the suit schedule property. Hence, they are necessary parties. Hence this application.

In pursuance of notice, the plaintiffs filed objection by admitting pending litigation, submitted that, on the instigation of defendant No. 1 and 2 these applicants filed false application only to harass the plaintiffs and drag the proceedings. Defendant No. 1 and 2 are constructing the building by encroaching suit schedule property. The proposed defendants are neither necessary parties nor formal parties to the present proceedings. Hence, prays for dismissal of the same.

Perused and heard.

Admittedly the plaintiffs have filed this suit against the defendants for the relief of permanent injunction over the suit schedule property. Though the plaintiffs denied the application averments, but since the proposed defendants are said to be joint share holders of the suit schedule property, they are necessary parties to the present proceedings. Hence, I proceed to pass following;

::ORDER::

The IA No. 5 filed by the proposed defendants under Order 1 Rule 10(2) of CPC is hereby allowed.

The proposed defendants are impleaded as defendant No.3 and 4.

The plaintiffs are permitted to amend plaint and to file amended plaint by 18.07.2024.

Sd/-

Prl. Civil Judge & JMFC,
Ranebennur.