

ORDER ON IA NO.IV

The plaintiff has filed this application under order I rule 10(2) read with section 151 of Code of Civil Procedure for seeking permission to implead the schedule person as a necessary party.

After issuing the notice to the proposed party, the proposed party appeared through this counsel and filed detailed objection to the application and prayed to dismiss the application with costs

I have heard the arguments on both sides and perused the materials on record.

The objections filed by the proposed defendant is clearly discloses that the plaintiff has knowledge about the suit property and status of the proposed defendant in respect of the suit property. It indicates that the proposed defendant having some kind of interest in the suit property. In these circumstances, without impleading the proposed defendant if the suit is continued it would be creates ambiguity in the mind of the parties and also it be causes multiplicity of proceedings between the parties. The plaintiff has mentioned the proper grounds in the application. Hence, it is appears to me that the proposed party is not impleaded, more harms would be caused to the plaintiff's side and the proposed party is very much essential to determine rights of the parties which is in controversy. Hence, I proceed to pass the following;

ORDER

IA No.IV filed by the plaintiff under order 1 Rule 10(2) read with section 151 of Code of Civil Procedure is here by allowed on payment of cost of Rs.100/-.

The plaintiff is hereby permitted to implead the proposed party as defendant No.2.

For amendment of plaint and to furnish amended plaint by 02.11.2015.

[Raghavendra. R]

Civil Judge & JMFC.,
Savanur.