

ORDER ON I.A.NO-3 FILED UNDER

ORDER 1 RULE 10 OF CPC.

The plaintiff has filed the present application for impleading the proposed party as defendant No-3 in the present suit.

2. The legal heir of the original plaintiff/ applicant has contended that, the proposed party is the Bank. The plaintiff has filed suit for the relief of partition. The amount standing in the name of the grandfather of the applicant and father of the defendants i.e., Hanamant is in the Pragati Krishna Gramina Bank situated at Station Ganagapur. The defendant No-1 and 2 in collusion with the bank manager are trying to receive the amount from the bank. The bank manager is also a necessary party to the present suit for effectual adjudication of the rights of the parties. On the said material grounds the applicant has prayed for allowing the present application.

3. On issuance of notice of the application the proposed party has not appeared before the court and not objected the present application.

4. Heard the arguments.

5. Perused the records, the plaintiff has filed the present suit for the relief of partition and separate possession against the defendants. The applicant has contended that, the amount is standing in the name of grandfather of the plaintiff. The bank authorities are trying to disburse the said amount in favour of the defendant No-1 and 2 in collusion with them. The proposed party on issuance of notice has not come forward to object the present application and to say about the details about the amount standing in the name of the grandfather of the applicant. Hence considering the materials on record I am of the opinion that, the presence of the proposed party is necessary in the present suit to consider the case of both the parties. Hence considering the materials

on record I am of the opinion that, the plaintiff has made out grounds for allowing the present application. Hence the present application is required to be allowed.

Hence IA No-3 filed by the plaintiff is hereby allowed.

Senior Civil Judge and JMFC,
Afzalpur.