

COMMON ORDER ON I.A.NO-5 AND 6 FILED UNDERORDER 1 RULE 10 OF CPC.

The proposed the defendant No-5 to 8 have filed the present applications for impleading them as the defendant No-5 to 8 in the present suit.

2. The applicants have contended that, the applicants have got share in the suit property. The plaintiff without impleading them as parties has filed the present suit. The plaintiff intentionally has not made the proposed parties as parties to the present suit. The proposed parties are the necessary parties to the present suit. On the said material grounds the applicants have prayed for allowing the present applications.

3. The plaintiff has filed objections to the present applications by denying the grounds of the applications. The plaintiff has contended that, the applicants have not at all shown as to how they are entitled for the share in the suit property. The applicants have not shown how they are related

to the present suit. The applicants have no any right in the suit properties. The applicants are the children of uncles of plaintiffs. The father of the plaintiff and his brothers have partitioned the properties. The applicants are not the necessary or proper parties to the present suit. On the said material grounds the plaintiff has prayed for rejection of the present applications.

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 plaintiff is the daughter of the Shantayya. The plaintiff being the daughter has filed the present suit against her mother and wife and children of her brother. The applicants have contended that, they are also necessary parties to the present suit. The applicants have not shown how they are the necessary parties to the present suit. The plaintiff has contended that, the applicants are the children of the brother of the father of the plaintiff. The plaintiff has produced the mutation extract of the year 1981. From the

said document it appears that, 9 acre 10 gunta of land in survey number 32 i.e., suit property was fallen to the share of the father of the plaintiff in a partition. The 9 acre 10 gunta of land in survey number 32 was fallen to the share of uncle of the plaintiff by name Irathayya. The proposed defendant No-7 and 8 are appears to be claiming under the said Irathayya. It further appears that, 9 acre 18 gunta of land in survey number 32 was fallen to the share of uncle of the plaintiff i.e., Shivanand. The said document recorded that, the Mallayya was allotted survey number 63/1 land and survey number 118/2 was allotted to the share of the uncle of the plaintiff Shashikant.

6. On perusal of the materials on record it appears that, the proposed parties have not made out any grounds for impleading them in the present suit. The proposed parties appear to be not the necessary parties for deciding the present suit. The plaintiff has filed the present suit being the daughter with respect to her branch. The applicants are appears to be coming under another branch. On considering

the materials on record I am of the opinion that, the applicants have not made out any grounds for allowing the present applications. Hence, the present applications are required to be rejected.

Hence, IA No-5 and 6 filed by the applicants/3rd parties are hereby rejected.

For further chief of DW-1.

By : 18-08-2025.

Senior Civil Judge and JMFC,
Afzalpur.