

ORDER ON IA NO-10 FILED UNDER
ORDER 1 RULE 10 OF CPC.

1.	Provision under which the application is filed	Order 1 Rule 10 of CPC
2.	Relief sought for	Impleading of the party
3.	The date on which the application is filed	11-03-2026
4.	Number of the application	I.A.No-10
5.	The date on which the objections are filed by different opponents	28-03-2026
6.	The date on which the orders were passed on the said application	15-04-2026.

The plaintiffs have filed the present application for impleading the proposed party by name Mallamma as the defendant No-8 in the present suit.

2. The plaintiffs have contended that, they have filed the suit for the relief of partition and separate possession against the defendants. Due to oversight the plaintiffs have not included the survey No-366/1 measuring 6 acre of land and survey No-365 measuring 2 acre 20 gunta of land in the plaint. The said properties are standing in the name of the proposed defendant No-8 by name Mallamma W/o Sangappa Babaleshwar @ Pujari. On the said material grounds the plaintiffs have prayed for allowing the present application.

3. The defendant No-5 has filed his objections to the present application by denying the grounds of the application. The defendant No-5 has contended that, the said properties are the self acquired properties of the defendants and they are not available for partition. The plaintiffs have not shown any grounds as to how they came to know about the said properties. The matter is posted for further cross of DW-1. At this stage the present application is not maintainable. The

plaintiffs in order to delay the matter have filed the present application. On the said material grounds the defendant No-5 has prayed for rejection of the present application.

4. Heard the arguments.

5. Perused the records. The plaintiffs have filed the present suit for the relief of partition and separate possession against the defendants. The plaintiffs are the wife and daughters of one Ashok. The defendant No-1 to 6 are the mother, brother and sisters of the Ashok. The plaintiffs at this stage have not produced any records of the proposed properties to show in whose name the said properties are now standing. The plaintiffs have not produced any materials as to how the plaintiffs have got right over the proposed properties. The plaintiffs at this stage have produced the certified copies of mutation extract of the survey No-366/3 measuring 6 acre 1 gunta of land. From the said document it appears that, the

mother of the Ashok by name Ratnabai i.e., defendant No-1 had sold the said property to one Mallamma W/o Sangappa Babaleshwar in the year 2000. The present suit is filed by the plaintiffs in the year 2022. The father of the plaintiff No-1 and 2 i.e. Ashok appears to be not challenged the said sale deed during his life time. The plaintiffs being the daughters and wife of Ashok have filed the present application in the year 2026. The plaintiffs have not produced any materials with respect to the another property bearing survey No-365 measuring 2 acre 20 gunta of land.

6. The plaintiffs have filed the suit in the year 2022. The plaintiffs have filed the present application in the year 2026 when the matter was posted for further cross of DW-1 and when the prayer seeking time for further cross of DW-1 was allowed on cost. Hence on considering the materials on record it appears that, the plaintiffs have not made out any grounds

for allowing the present application. Hence the present application is required to be rejected.

Hence the IA No-10 filed by the plaintiffs is hereby rejected.

For further cross of DW-1 if any finally and further evidence of the defendants.

By :

Senior Civil Judge and JMFC,

Afzalpur.