

ORDER ON I.A.NO-6 FILED UNDER

ORDER 1 RULE 10 OF CPC.

The plaintiffs have filed the present application for impleading the proposed parties as defendant No-4 and 5 in the present suit.

2. The plaintiffs have contended that, the proposed parties are also joint family members. The proposed parties illegally mutated their names to the ancestral properties. On the said material grounds the plaintiffs have prayed for allowing the present application.

3. On issuance of notice of the application the proposed parties have appeared through their counsel. The advocate for the proposed parties orally objected for the present application and 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 defendant No-2 and 3 have contended that, the suit of the plaintiffs is bad for non-joinder of necessary parties. The proposed defendant No-4 is the brother of the defendant No-1. The proposed defendant No-5 is the wife of the proposed defendant No-4. Hence, considering the grounds of the application and nature of the suit and in order to give an opportunity to the plaintiffs to prosecute the suit against the proposed parties and considering the relationship of the proposed parties I am of the opinion that, the present application is required to be allowed.

Hence IA No-6 filed by the plaintiffs is hereby allowed.

Senior Civil Judge and JMFC,
Afzalpur.