KAKB320019602022

IN THE COURT OF CIVIL JUDGE AND JMFC,
AT: AFZALPUR

PRESENT
Sri. ANIL AMATE, B.A. L.LB(Hon's) ,
Civil Judge & JMFC.,
AFZALPUR.

O.S.No.122/2022

Amruth V/S The State and others

PARTIES ON I.A. NO. IV

Amruth V/S Madiwalappa and others

ORDER ON IA NO. IV FILED U/O-1 RULE-10(2) R/W.SEC.151 OF CPC

This suit of the plaintiff for Perpetual and mandatory injunction against the defendants.

2. This order arises out of IA No. IV filed by the plaintiff,in his words that the implead the proposed Defendant No. 4 in this suit to decide the controversial dispute between the parties. The plaintiff is in lawful possession of the suit property, the defendant No.3 no

way concerned to the suit land, the defendant No.3 filed application before the Tahashildar Afzalpur, same was transferred to the deputy tahashildar Atnooor for the mutation of the land Sy.No14/1 measuring 7 acres 19 guntas situated at village Chinnamgera village, now the proposed defendant No.4 is hury to transfer the suit land in favour of the defendant No.3, hence prayed for allow the I.A.

3. After the filing of this IA No.6 this court issued notice to the proposed defendant No.4, Ld. AGP filed objection and contended that the IA No.IV IS NOT maintainable under eye of law, the before the making the proposed defendant No.4 is party to the suit the plaintiff has follow the rule as provided under order 27 and section 80 of the CPC, where the proposed defendant NO.4 is being the public servant, the plaintiff not sought any relief against the proposed NO.4 , therefore, they prayed for reject the IA No.IV.

4. The defendant No.3 also filed objection to the present IA and the prayed for the reject the I.A.

5. Heard, both side.

-: POINTS :-

1) Whether the applicant/ plaintiff made out that the proposed defendant No.4 is necessary party to the suit.
2) What order ?

6. My answers to the above points are as under:

Point No.1 : In the Negative.
Point No.2 : As per final order for the following:

-: R E A S O N S :-

7. **Point No.1:-** The specific contention of the plaintiff is that the proposed defendant No.4 is hurrying in transfer of the suit land in favour of the defendant No.3.hence implead him as defendant No.4 in this suit. On careful perusal of contents of the IA No.IV and argument advanced by the both the counsels , it is observed that the the proposed defendant No.4 is being the public servant, when any application pending before him, he is bound by that duty to do so as much as possible earlier, further No.4 is discharging his official duty, moreover plaintiff has claimed no relief against this proposed defendant

NO.4. The proposed defendant No.4 yet not passed any order as per the materials available on the record, there is chance to plaintiff to challenge the order passed by the Proposed No.4 before his higher authority, not necessary to discuss on techinical grounds as contended by the Ld.AGP ,for the reasons supra, this court is of the opinion that the plaintiff failed made grounds to proposed defendant No.4 is necessary party to the suit. Therefore the point no.1 is answered in the negative.

8. **Point No.2:-** For the foregoing reasons on point No.1, this court proceed to pass the following:

-: O R D E R :-

The application filed U/O-1 Rule-10(2) of CPC at IA No. IV is hereby rejected on costs Rs.1000/-

(Dictated to the stenographer, transcribed and typed by him, corrected by me and then pronounced in the open court this the 12th day of November 2025)

(Sri. Anil Amate)
Civil Judge & J.M.F.C.
Afzalpur.