

**Order On Interim Application No. II Filed By the defendant No.4 Under
Order I Rule 10 Of Civil Procedure Code, 1908**

1. This is an Interlocutory application filed by the defendant No.4 to implead the proposed defendant No.6 as defendant No.6 in this case.

2. The defendant No.4 has stated that plaintiff have filed suit for partition and separate possession. The defendant No.4 has filed counter claim with written statement. It is further stated that the plaintiff and defendant No.1 to 5 are already sold land bearing Sy.No.213/2 measuring 2 acres 34 guntas in favour of proposed defendant No.6 . The proposed defendant No.6 is necessary party to the suit. On these grounds defendant No.4 prayed to allow the application.

3. Notice was issued to the proposed defendant No.6 on I.A No.III. The proposed defendant No.6 appeared through Counsel Sri. MRG but has not filed objections to I.A No.III.

4. Heard learned counsel for the defendant No.4. Perused the materials.

5. On the basis of the above pleadings and on hearing both sides, the following points arise for my consideration.

- 1) Whether the defendant No.4 has made out reasonable grounds to allow I.A.No. III filed U/order I Rule 10 (2) R/w Sec.151 of CPC?
- 2) What order?

6. My findings on the above points are as under:

Point No:1 : In the Affirmative.

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

REASONS

7. **Point No.1:-** The plaintiff has filed this suit for the relief of partition and separate possession. It is stated that The defendant No.4 has filed counter claim with written statement. It is further stated that the plaintiff and defendant No.1 to 5 are already sold land bearing Sy.No.213/2 measuring 2 acres 34 guntas in favour of proposed defendant No.6 . The proposed defendant No.6 is necessary party to the suit. Therefore as the proposed defendant No.6 has purchased the suit property during pending of the suit, he is the necessary party to the suit. Thus the presence of proposed defendant No.6 is necessary for final adjudication of

the case. Thus the defendant No.4 has made out valid and justifiable grounds to allow I.A No.III filed U/o I Rule 10(2) R/w Sec.151 of CPC. In the light of above reasons I answer Point No.1 in the Affirmative.

8. Point No.2:- As I have answered point No. 1 in the Affirmative for the foregoing reasons, I proceed to pass the following:

ORDER

IA-III filed Under order I Rule 10 (2) R/w Sec.151 of
CPC filed by the defendant No.4 is hereby allowed.

The proposed defendant No.6 is impleaded as defendant
No.6 in this case.

Defendant No.4 to carry out amendment and file
amended plaint.

Call on 03-07-2024.

**Senior Civil Judge & JMFC.,
Chincholi.**