

**16.7.2024**

**Orders on IA No.7 U/O I Rule 10(2) of CPC**

The defendant No.2 has filed this application U/O 1 Rule 10(2) of CPC and sought to implead the proposed defendants as defendants 4 and 5 in this suit.

**2.** The defendant No.2 has sworn to an affidavit in support of IA and stated that he has filed counter claim and sought for partition and separate possession. The proposed defendants 4 and 5 are necessary parties as they are co-sharers of the suit properties except Sy.No.3/2. The proposed defendants 4 and 5 are sisters of the plaintiff and defendants 1 to 3. Hence, prays to allow the IA.

**3.** After service of IA notice the proposed defendants 4 and 5 have remained absent.

**4.** Perused the records. Heard arguments.

**5.** The suit is one for the relief of partition and separate possession. The defendant No.2 has stated on oath that the proposed defendants are the sisters of plaintiffs and defendants 1 to 3 and also co-sharers of the suit properties except land in Sy.No.3/2. Therefore, the proposed defendants being co-sharers are proper and necessary parties to this suit. Hence, the following:

**ORDER**

The application filed by the defendant No.2 U/O I Rule 10(2) of CPC is hereby allowed.

The proposed defendants are added as defendant No. 4 and 5 in the counter claim.

The defendant No.2 shall amend the written statement and furnish amended written statement.

For amendment and amended written statement call on 24.7.2024.

Senior Civil Judge & JMFC, Sedam.