

4.8.2023.

**Orders on IA U/O I Rule 10(2) of CPC**

The appellants have filed this application U/O 1 Rule 10(2) of CPC and sought to implead the proposed respondents as respondent No.3 in this suit.

**2.** The appellant No.3 has sworn to an affidavit in support of IA and stated that the proposed respondent No.3 is the brother of this appellant and he is having share in the suit properties and he was defendant No.4 in the trial court. Hence prays to allow the IA.

**3.** After service of IA notice the proposed respondent has remained absent.

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

**5.** On perusal of the records it is found that the respondent herein had filed suit for partition and separate possession before the trial court in O.S.No.132/2016 and the said suit was decreed. Aggrieved by the said judgment and decree the defendant No.2, 3, 5 and 6 have filed this appeal. The proposed respondent No.3 viz Srimanthrao was defendant No.4 before the trial court. The operative portion of the judgment of the trial court shows that same was allotted to the said defendant No.4 also. But in this appeal the appellants have not made him as party to this appeal. Since the respondent No.3 was defendant No.4 before the trial court he is proper and necessary party to this appeal. Hence the following:

**ORDER**

The application filed by the appellants U/O I Rule 10 (2) of CPC is hereby allowed.

The proposed respondent No.3 is added as respondent No.3 in this appeal.

The appellants shall amend the appeal memo and furnish amended appeal memo within ten days from today.

For amendment and amended appeal memo. Call on 14.8.2023.

Senior Civil Judge, Sedam.