

2.3.2024

Orders on IA No.3 U/O I Rule 10(2) of CPC

The plaintiffs have filed this application U/O 1 Rule 10(2) of CPC and sought to implead the proposed defendants as defendants No.10 to 12 in this suit.

2. The plaintiff No.2 has sworn to an affidavit in support of IA and stated that they have filed the suit for partition and separate possession. The defendants 1 and 8 in their written statement have contended that the plaintiffs have not made proposed defendants as parties to the suit. Further the proposed defendants are the children of deceased Nagaraj and defendant No.7. Hence they are proper and necessary parties to this suit. Hence prays to allow the IA.

3. After service of IA notice the proposed defendants 11 and 12 have appeared through their counsel but they have not objections to IA. The proposed defendant No.10 has appeared in person and he has not filed objections to IA.

4. Perused the records. Heard arguments.

5. The suit is one for the partition and separate possession. The proposed defendants are the children of defendant No.7 and deceased Nagaraj. Therefore, they are proper and necessary parties to this suit. Hence the following:

ORDER

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

The proposed defendants are added as defendant No.10 to 12 in this suit.

The plaintiffs shall amend the plaint and furnish amended plaint within ten days from the date of this order.

For amendment and amended plaint. Call on 12.3.2024.

Senior Civil Judge & JMFC, Sedam.