

14.7.2023.

Orders on IA U/O I Rule 10 of CPC

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

2. The plaintiff has sworn to an affidavit in support of IA and stated that he has filed the suit for the partition and separate possession. The defendants have taken a defence that the daughter of the propositus by name Laxmi is necessary party to this suit. Therefore the plaintiff filed this application to implead the said Laxmi as party to the suit. Hence prays to allow the IA.

3. After service of IA notice the proposed defendant has appeared through her counsel and submitted no objection to allow IA.

4. Perused the records. Heard arguments.

5. The suit is one for the relief of partition and separate possession. The proposed defendant is the daughter of the propositus.. Therefore the proposed defendant is proper and necessary party to this suit. Hence the following:

ORDER

The application filed by the plaintiff U/O I Rule 10 of CPC is hereby allowed.

The proposed defendant is added as defendant No.5 in this suit.

The plaintiff shall amend the plaint and furnish amended plaint within ten days from today.

For amendment and amended plaint. Call on 21.7.2023.

Senior Civil Judge, Sedam.