

Date: 16.6.2026

**ORDER ON IA No.II FILED UNDER ORDER I RULE 10(2) OF
CODE OF CIVIL PROCEDURE.**

The present application is filed by counsel for the proposed defendant No.3 seeking implead the proposed defendant as defendant No.3 in the case.

2. The said application is accompanied with the sworn affidavit of the proposed defendant No.3, wherein it is contended that, the proposed defendant and defendant No.1 are joint owners and possessors of the suit land Sy.No.238/7 measuring 01 acre of village Duganoor as per registered partition deed bearing document No-2251/21-22 dated 28.10.2021. further it is contended that without the knowledge and consent of the proposed defendant the defendant NO.1 and 2 executed agreement bearing doc.No-1266/22-23 dated 13.06.2022 in collusion with the plaintiff in order to dupe the his legal right. The valuable rights of the proposed defendant is involved in the suit land. Hence prayed to allow the application.
3. The present application is resisted by the plaintiff by filing the objection, wherein the plaintiff has contended that, the

application filed by the proposed defeated No.3 is not maintainable in the eye of law. The proposed defendant No-3 is not necessary party in the above suit. Hence prayed to reject the application.

4. Heard the arguments of both sides and perused the material placed on record.
5. Upon hearing the arguments and on perusal of the material placed on record, the following point arises for consideration is **"WHETHER THE PRESENCE OF THE PROPOSED DEFENDANT AS DEFENDANTS NO.3 IS NECESSARY TO ADJUDICATE THE MATTER?"**
6. My finding to the above point is in the '**AFFIRMATIVE**' for the following:

REASONS

7. The plaintiff has brought the instant suit for the relief of Specific Performance of Contract in respect of suit land Sy.NO.238/7 measuring 01 acres 00 guntas of village Dugnoor. In the plaint, the plaintiff has stated, the defendants being the joint owners and possessors of suit property agreed to sold to the plaintiff for consideration amount of RS.4,00,000/- and already received part

consideration amount of RS.3,10,000/- from the plaintiff and executed registered agreement for sale without possession through document NO-1266/2022-23 dated 13.06.2022.

8. Now the applicant/proposed defendant has brought the instant application seeking impleadment as defendants No.3 to the present suit. Perusal of partition deed it appears that the suit property is fallen to the share of defendant NO.1 and proposed defendant jointly. Therefore the proposed defendant is also having right in to the suit property. Hence, the proposed defendant is necessary party to the present suit. If the proposed defendants are not impleaded as defendant No.3 he will be put great loss and it will involve in multiplicity of litigation and lose his right in the suit land.
9. Hence, in order to avoid multiplicity of litigations and as the proposed defendants are also having right in the suit land, it is just and necessary to implead him as defendant No.3 in the suit. In the absence of proposed defendants, if the suit is tried and the plaintiff succeeded to prove his claim, the decree will became a paper decree and it will cause

multiplicity of proceedings. With these observations, the point under consideration is answered in the '**AFFIRMATIVE**' and following order is passed.

ORDER

The IA No.2 filed under Order I Rule 10(2) by the proposed defendant is hereby allowed and thereby the proposed defendant is impleaded as defendant No.3.

The plaintiff is directed to amend the cause title of the suit and to file amended plaint.

Sd/-

(BALU)

Civil Judge & JMFC, SEDAM