

ORDERS ON I.A.No.III

The present application is filed by the plaintiff under Order I Rule 10 (2) of CPC seeking impleadment of the proposed defendant No.2 in the suit.

2. In the affidavit filed in support of the application, the plaintiff has sworn to the fact that the defendant No.2 is the son of the defendant No.1 and he is also a signatory to the suit document i.e. the promissory note. Further it is contended that the proposed defendant No.2 is also a necessary party to the proceedings. On these grounds and such others, it is prayed for allowing the application.

3. In spite of putting his appearance, the proposed defendant No.2 has not filed any objections to the application.

4. Heard arguments. Perused materials on record.

5. The suit of the plaintiff is one for recovery of money of Rs.57,000/-. It is the case of the plaintiff that defendant No.1 along with the proposed defendant No.2 had executed the promissory note

in his favour. The proposed defendant No.2 is a signatory to the said document. He is also a necessary party to the proceedings. His presence is required for just and complete adjudication of the matter. If proposed defendant No.2 is impleaded in the suit, no legal injury or greater hardship will be caused to him. Thus for these reasons, this court is of the considered opinion that the proposed defendant No.2 is necessary party to the proceedings and as such the present application filed by the plaintiff deserves to be allowed. In the light of foregoing discussions, this court is proceeds to pass the following order:

ORDER

I.A.No.III filed by the plaintiff under Order I Rule 10 (2) of C.P.C is hereby allowed.

The plaintiff is permitted to bring the proposed defendant No.2 on record.

The plaintiff shall carry out amendment of the plaint within the 14 days from today and shall file amended plaint by 09-02-2024

Senior Civil Judge & JMFC,
Krishnarajpet