

ORDER ON I.A.No.II

The plaintiff has filed IA.II u/o 1 Rule 10 of CPC seeking implead the proposed defendant No.3 and 4 as defendants.

2. The plaintiff in the affidavit filed along with the applications stated that he has filed the present suit against the defendant seeking declaration and permanent injunction. The proposed defendants after the institution of suit the proposed defendant got the khatha in respect of suit schedule property change in their name stated that they are the Lrs of Maligemane Nanjegowda @ Thammaiah the original kathadar. Therefore it is necessary to implead them as parties in the present suit. Hence, prayed to allow the application.

3. The notice on IA.II was served on proposed defendant No.3 and 4. The proposed defendant No.4 appeared before the court through counsel. The proposed defendant No.4 in spite of sufficient opportunity did not choose to file objection.

4. Heard arguments.

5. The following points arose for my consideration:

Point no.1: Whether the plaintiff made out grounds to allow IA no.II?

Point no.2 : What order?

6. My answer to the above points:

Point no.1: In the Affirmative

Point no.2: As per order for the following:

REASONS

7. **Point No.1:** The plaintiff has filed the suit against the defendants seeking for declaration and permanent injunction. The plaintiff contended that after the institution of suit the proposed defendant No.3 and 4 got change their in respect of suit schedule property as Lrs of original kathedhar Maligemane Nanjegowda @ Thammaiah. The plaintiff produce copy of RTC. On perusal of the same it is seen that the suit schedule property is standing in the name proposed defendant No.3 and 4. As suit is filed for declaration and permanent injunction. The proposed defendant No.3 and 4 are not filed objections to the present application. I am of the opinion that the proposed defendants are proper necessary parties for disposal of the suit. Hence, I answer the point no.1 in the Affirmative.

8. **Point No.2:** In view of the above discussion I proceed to pass the following:

ORDER

I.A.No.II filed by the plaintiff U/o 1 Rule 10 of CPC, seeking implead the proposed defendant No.3 and 4 as defendants is hereby allowed.

The plaintiff is hereby directed to carry out amendment of plaint as detailed in the application.

To furnish amendment plaint by

**Addl. Civil Judge & JMFC.,
K.R.Pete.**

