

ORDER ON IA NO.III

1. This is an application filed by proposed defendant No.5 U/order I Rule 10(2) of CPC with a prayer to implead her as defendant No.5.

2. It is the submission of the applicant that the suit schedule properties originally belongs to her father Kariyaiah and he passed away intestate living behind his wife 3 daughters and one son. After the death of her parents they were in joint possession and she is class one heir of deceased Kariyaiah. As a suit schedule properties are joint family properties she has legitimate share, hence, it is necessary to implead her as defendant No.4. Hence, the application.

3. On the other hand inspite of sufficient opportunities plaintiff failed to file objection.

4. Heard.

5. It is the contention of the defendant No. 5 that suit schedule properties are joint family properties of herself and other children of deceased Kariyaiah. On perusal of

the record defendant No.3 has produced a genealogical tree. On perusal of the same Kalyanamma i.e., proposed defendant No.5 is also daughter of deceased kariyaiah, hence proper adjudication of matter in dispute it is necessary to implead proposed defendant No. 5 as defendant No.5. With the above observation I proceed to pass the following:-

ORDER

IA No.III filed by proposed defendant No.5 U/order 1 Rule 10(2) of CPC is hereby allowed.

It is ordered to implead proposed defendants No.5 as defendant No.5.

For furnishing amended plaint and to carry out amendment.

Call on: 04.12.2021.

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

