

ORDERS ON IA NO.6

This application is filed by the applicants Under order 1 Rule 10 (2) R/W/S 151 of CPC to implead them as defendant No.8 and 9 in the suit.

2. The applicant No.1 has sworn to affidavit to the present application and stated that the present suit is filed by the plaintiff for partition and separate possession. But suit schedule property was

purchased by senior uncle of the applicants on 05.07.1954 and 06.02.1957 on behalf of his joint family. At an oral partition took place between the father of the applicants and his brothers, the suit schedule property was allotted to the share of their father. The applicants are in possession and enjoyment of the suit schedule property. But the plaintiff and defendants by colluding together filed the suit for partition without making applicants as parties. Neither the plaintiffs nor the defendants have right over the suit schedule properties. The father of the plaintiffs have huge land in various survey numbers. But the plaintiffs have filed this suit without including those properties and by including only one property with an intention to knock of the same which belongs to the applicants. Therefore, the applicants filed this present application to implead them as defendant No.8 and 9 in the suit.

3.The plaintiffs have filed objection to the present application and denied the entire averments of affidavit filed to the application. They contend that the applicants have no right on the suit schedule property. But they got created false sale deeds. They have not produced any sale deeds along with the application. They have filed unnecessary application to harass the plaintiffs. Therefore, it is prayed to dismiss the present application.

4. Heard and perused.

5. The point that arises for my consideration is as follows ;

Whether the applicants have made out that they are either necessary or proper parties to the suit.?

6. My answer to the above point is in the **Affirmative** for the following ;

REASONS

7. In the present application the applicants have claimed that the suit schedule property is allotted to share of their father at an oral partition took place between their father and his brother. Therefore, it is their contention that they have got right over the suit schedule property. The plaintiffs in their objections have stated that the Applicants have created sale deeds and they are not entitled to any right over the suit schedule properties. The claim of the applicants is a matter for adjudication. In order to decide that whether the applicants have got any right over the suit schedule property or not, impleading them as parties in this suit is necessary. Therefore, the applicants are necessary parties to the suit. Accordingly, the above point is answered in the **“Affirmative”**. Hence, this court proceeds to pass the following:

ORDER

IA No.6 is filed Under order 1 Rule 10 (2) R/W/S 151 of CPC is hereby allowed.

The applicants are permitted to get impleaded as defendant No.8 and 9 in this suit.

The plaintiffs are directed to implead the applicants as defendant No.8 and 9 in the suit.

For amendment and for amended plaint. Call on 05.12.2025

**I-Addl. Senior Civil Judge & JMFC.,
Maddur.**