

ORDERS ON I.A.43

Sri. P.L.K., advocate filed vakalath for proposed Defendant No. 16 and 17 and filed I.A. No.43 U/o 1 Rule 10(2) of CPC to implead them as proposed defendants No. 16 and 17. In the affidavit applicant No. 1 stated that their mother purchased site Bg No. 16 from the defendant No. 8 as per sale deed dated 24.01.2006 and his mother died on 15.07.2018. Now they are the Lrs and in possession of the said property which is the subject matter of this suit, they are the necessary parties. Hence, prays to allow the I.A.

Plaintiff filed objections stating that I.A. is filed to drag on the proceedings and to harass the plaintiff. In fact there is no site formed by the 1st defendants society on the West of Dr. Rajkumar Road. In fact the teachers layout formed by the 1st defendant society is located only on the East of Dr. Rajkumar Road. I.A. is filed at a belated stage mother of the applicants did not file any application the entire contents of I.A. and affidavit are false and prays to dismiss the I.A.

Heard and perused.

This is suit for declaration defendants No. 2 to 15 are contending that they are the allotter's of the sites from the defendant No. 1 society in the suit property. Since the applicants claiming that they are purchaser of site in the suit property from the defendant No. 8, they are also necessary parties along with other defendants to contest and to establish their right. Hence, present I.A. has to be allowed. Proposed defendants are not necessary party. Hence, I proceed to pass the following:

ORDER

I.A. No.43 U/o 1 Rule 10(2) of CPC is allowed.

For amendment and amended plaint:
15.02.2020.

sd/-
Judge,
Prl. Court of Small Causes,
Mysuru.