

## **ORDER ON I.A.No.VI**

1. Vide this order I shall dispose of an application under order 1 Rule 10 of CPC moved on behalf of the applicants/plaintiffs to permit the plaintiffs to implead the proposed defendant as defendants no. 8 in the present case.

2. Vide the instant application it is the contention of the applicants that the plaintiffs have filed the suit against the defendants for the relief of partition in separate possession. The proposed defendant is the co-owner of the suit properties and having direct interest in the suit schedule properties. The present suit being the partition all the persons having interest are necessary and proper parties. In order to decide the dispute between the suit of the parties effectually and finally the presence of the proposed defendants are necessary. On these grounds prayer is made to allow the application.

3. On the other hand the proposed defendant has not filed reply.

4. Arguments heard on behalf of plaintiffs, defendants and applicants.

5. The suit of the plaintiffs is for partition and separate possession in the suit schedule properties. According to the applicants the proposed defendant is also co-owner of the suit properties and having rights in the suit properties. In partition suit all the persons having direct interest in the subject matter of the suit has to be arrayed in the suit. The proposed defendant and defendants have not denied that proposed defendant is having interest being the co-owner of suit lands. In order to decide the

dispute between the parties effectually and finally, the presence of proposed defendant is necessary. Moreover, the judgment binds and affects the rights of the applicants. In the light of the above discussion I proceed to pass the following\_

### **ORDER**

**I.A.No. VI filed by applicants under order I Rule 10 read with section 151 of Civil Procedure Code is hereby allowed and no order as to the cost.**

**In the result the plaintiffs are directed to implead the proposed defendant as defendants no. 8 in the present case.**

**To carry out amendment in the plaint and to furnish the amended plaint.**

**Call on 31.05.2023.**

(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the open court on this the day of 12<sup>th</sup> day of April 2023)

Senior Civil Judge & J.M.F.C  
H.D Kote