

ORDERS ON I.A. No.II

The applicant/plaintiff No.1 has filed the present application/I.A. No.II under Order I Rule 10(2) r/w 151 of CPC seeking permission to implead (1) President/Secretary, Sri Chamundeshwari Trust ®, Yarahalli Handpost, H.D. Kote Taluk, Mysuru District, and (2) Smt. Kamali W/o Mahadevarao, Aged about 40 years, R/at Suragalli village, Bettadapura Hobli, Periyapatna Taluk, Mysuru district as proposed defendant No.4 and 5 in the present suit.

2. The applicant/plaintiff No.1 has filed an affidavit in support of I.A No.II wherein it is stated that, the plaintiffs have filed this suit against the defendants seeking the relief of partition and separate possession in the suit property. There is no partition between the plaintiffs and defendants and the defendants have not given the share to the plaintiffs. Without the knowledge of the plaintiffs, the defendants changed the khatha of the suit property and trying to alienate the suit properties. The defendants have sold the suit property to the proposed defendant No.4. They have to be impleaded as proposed defendants otherwise the suit would be defeated. The presence of proposed defendants are very much required before this Court to render proper and effective adjudication of the present matter, to come to proper and complete adjudication. Hence, prayed to allow the application.

3. Notice on IA No.II issued to the proposed defendant No.4 & 5.

4. Heard on IA No.II.

5. The point that would arise for my consideration is:

"Whether the proposed defendant No.4 & 5 are just and necessary or proper parties to the suit as prayed for?"

6. The above point is answered in the **Affirmative**, for the following :

REASONS

7. The suit is filed for the relief of partition and separate possession in the suit schedule property. In the affidavit accompanying with the present IA it is pleaded that, the defendants have sold the suit property in favor of proposed defendant No.4. Hence, the presence of the proposed defendant No.4 & 5 may be necessary and effectually to adjudicate upon all the questions involved in this suit and in order to avoid the multiplicity of the proceedings. Along with the present application the applicant has furnished digital copy of registered sale deed.

8. On perusal of the application it appears that, the presence of the proposed defendant No.4 & 5 may be just and necessary. Otherwise, it will lead to multiplicity of proceedings and no irreparable injury will be caused to the other side, if the application is allowed. Hence, the proposed defendant No.4 & 5 would be impleaded in

this suit. Accordingly point for consideration is answered in the **Affirmative**. Hence, the following:

ORDER

The IA No.II filed by the applicant/plaintiff No.1 under Order I Rule 10(2) r/w 151 of CPC is hereby allowed.

(1)President/Secretary, Sri Chamundeshwari Trust ®, Yarahalli Handpost, H.D. Kote Taluk, Mysuru District, and (2) Smt. Kamali W/o Mahadevarao, Aged about 40 years, R/at Suragalli village, Bettadapura Hobli, Periyapatna Taluk, Mysuru district, are impleaded as proposed defendant No.4 & 5 in the suit.

The plaintiffs are hereby directed to amend the plaint accordingly.

For amendment of plaint and amended copy by: 13.01.2025

C/c Addl. Civil Judge & JMFC.,
Heggadadevanakote.