

ORDERS ON IA-III

The present application is filed U/O 1 Rule 10 R/W section 151 CPC by the applicant/plaintiff in order to implead the proposed defendant No.4 Sri. Puneeth Raj H.S. S/o Swamynayaka H.J. R/at Hosakote Village, K.R. Nagar Taluk, Mysuru District.

2. It is averred by the applicant in the affidavit that the the present suit filed for the relief of partition and separate possession against the defendant that item B schedule property bearing Sy. No. 144/1 measuring 1 acre 20 guntas has been sold defendant No.3 to proposed defendant No.4 without knowledge of the plaintiff. The such sale has taken place on 25-2-2021. Accordingly M.R. No. H.25/2020-21 in the name of proposed defendant No.4 thereafter the plaintiff obtained the revenue documents pertaining Sy. No. 144/1 and came to know that the said property mentioned above is sold in favour of the proposed defendant No.4. In view of this the plaintiff is intending to implead proposed defendant No.4 in the present suit. Accordingly, the notice of the application has been issued to the proposed defendant No.4 and the same is duly served upon the proposed defendant No.4. Though the proposed defendant No.4 appeared before the court in person, but did not file any objection to the present application. Hence, the applicant prayed to allow the present application.

3. Heard counsel for the applicant/plaintiff and perused the materials available on record the following points arise my in my consideration.

1. Whether the applicant/plaintiff has made out grounds to allow the application?

2.What order?

4. My findings to the above points are as follows:

Point No.1: In the Affirmative

Point No.2: as per final order for the following:

Reasons

5. **Point No.1:-** Admittedly, the suit is only for relief and separate possession of the share of the plaintiff against the defendant. It is mentioned in the affidavit annexed to the present application that with out the knowledge of the plaintiff the defendant No.3 has sold item B schedule property bearing Sy. No. 144/1 measuring 1 acre 20 guntas on 25-2-2021 infavour of proposed defendant No.4. Hence, the notice came to be issued against the proposed defendant no.4. Though the defendant No.4 appear in person, has not filed any objection to the present application. Hence, when the suit is one for the relief of partition and separate possession, the court is of the opinion that proposed defendant No.4, who is purchaser of the item B schedule property is required to be impleaded in the present suit. Hence, in view of this I answer point No.1 in affirmative.

6. **Point No.2:** In view of the reason assigned I proceed to pass the following;

Order

The IA No.3 filed U/O 1 Rule 10 R/W section 151 CPC is hereby allowed.

The applicant/plaintiff is hereby permitted implead proposed defendant No.4 Sri. Puneeth Raj H.S. S/o Swamynayaka H.J. R/at Hosakote Village, Hebbal Hobli, K.R. Nagara Taluk, Mysuru District, in the present suit.

The applicant/plaintiff is hereby directed to amend the plaint and furnish amended plaint on next date of hearing without fail. Call on 6-11-2021.

Addl. Senior Civil Judge & JMFC
Hunsur