

ORDERS ON IA No.VIII

This application is filed by the plaintiff under order 1 Rule 10(2) R/w Section 151 of C.P.C. to implead the opponents as defendant No.11 and 12 in this suit.

2. In support of this application, the plaintiff has sworn the affidavit wherein she has stated that, during pendency of the suit the defendant No.1 to 9 sold the item No.3 of 'B' schedule property in favour of K.S.Prabhakar and Smt.Asharani under registered sale deed dated 07.07.2018 without knowledge of the plaintiff. Therefore, the sale deed executed by the defendant No.7 and 8 in favour of proposed defendants is not binding on the rights of the plaintiff. Therefore, the proposed defendants are very necessary parties to the suit. Accordingly, prays for allow the application.

3. After receiving the application, this court issued notice to the proposed defendant No.11 and 12. In spite of it, they were not appeared before this court.

4. Heard arguments.

5. The following points are arise for consideration of this court:

1. Whether the plaintiff has made out a ground to implead the opponents as defendant No.11 and 12 in the suit and without impleading proposed defendants,

the matter cannot be disposed off effectively ?

2. To what order ?

6. This court answer to the above points are as follows:

Point No.1: In the Affirmative

Point No.2: As per final order, for the following

REASONS

7. **Point No.1** : Perused the available records, the plaintiff has filed this suit against the defendants for the relief of partition and separate possession with respect to the schedule properties. On the other hand, the defendants have filed written statement. During pendency of the suit, the defendant No.7 and 8 have sold the item No.3 and 4 in favour of proposed defendants on 07.07.2018. The said fact came to her knowledge during pendency of the suit. Therefore, the proposed defendants are very necessary parties to the suit. Without impleading them, the matter cannot be adjudicated effectively. Accordingly, the application filed by the plaintiff needs to be allowed. **Therefore, this court answered Point No.1 is in the Affirmative.**

8. **Point No.2:** for the aforesaid reason and discussion, this court proceed to pass the following;

ORDER

I.A.No.VIII filed by the plaintiff is hereby allowed.

The Plaintiff Counsel is directed to carry out amendment within 14 days and furnish the amended plaint.

Call on: 19.12.2024.

**Senior Civil Judge & JMFC.,
K.R.Nagar.**