

ORDERS ON IA No.XIII

This application is filed by the plaintiff No.1 under order 1 Rule 10(2) of C.P.C. to implead the proposed defendants as defendant No.8, 9 and 10 in the suit.

2. In support of this application, the plaintiff has sworn the affidavit wherein she has stated that, the plaintiffs have filed the suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties. Recently came to the knowledge of the plaintiffs is that the defendants have sold the proposed item No.11 and 12 of the properties in favour of the proposed defendants. Hence, the proposed defendants are also necessary parties to the suit. Accordingly, she prays for allow the application.

3. After receiving the application, this court issued notice to the proposed defendant No.8 to 10. In response to the notice, the proposed defendant No.10 has appeared before this court through his counsel. But, he has not filed objection to the application. Further, inspite of service of notice, the proposed defendant No.8 and 9 have not appeared before this court.

4. Heard arguments.

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

1. Whether the plaintiff No.1 has made out a ground to implead the

proposed defendants as defendant No.8 to 10 in the suit and without impleading them, 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 plaintiffs have 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 defendant No.1, 5 and 7 have filed written statement. The plaintiffs have stated that during pendency of the suit, the defendants have sold the properties in favour of proposed defendant No.8 to 10. Hence, the proposed defendants are necessary parties to the suit. Without impleading them, the matter cannot be adjudicated effectively. Accordingly, the application filed by the plaintiff No.1 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

The I.A.No.XIII filed by the plaintiff No.1 is hereby allowed.

The plaintiff's counsel is permitted to carryout the amendment and to furnish the amended plaint.

Call on: 17.03.2026.

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