

19.06.2019

Heard both the sides. Sri. M.J.S. submitted that he has put forth a plea regarding bequeath of suit properties in favour of son of 3rd defendant and copy of the the said Will is produced. On perusal of the issue No.3, it is clear that the purported beneficiary under the Will is not the defendant No.3, but it is the son of defendant No.3. Therefore, the said son of defendant No.3 has got a right of hearing, while the Court intends to adjudicate upon the proof or otherwise of the said disputed Will. Therefore, if the adjudication takes place in the absence of the said beneficiary, it would not only violate the principle of natural justice that no one shall be condemned unheard, but also may lead to multiplicity of proceedings. Therefor exercising the jurisdiction u/o. 1 rule 10 of C.P.C., the plaintiff is directed to implead the purported beneficiary under the disputed Will as a party to the suit.

For steps, call on by 2/7/2019.

Senior Civil Judge, Nanjangud.