

OS 102/2020

**ORDERS ON I.A. DATED 23.06.2023 UNDER ORDER
I RULE 10(2) R/W SECTION 151 C.P.C.**

The applicant/proposed defendant No.12 filed the present application to implead him as defendant No.12 in this case, when the case was at the stage of further cross-examination of P.W.1.

2. The plaintiff has filed statement of objections.

3. Heard.

4. The suit is for the relief of partition and separate possession of suit schedule properties. According to the applicant he has filed suit for declaration and injunction in respect of present item No.4 of suit schedule properties on the file of I Addl. Civil Judge, Nanjangud, as he is the absolute owner of the said property.

5. According to the plaintiff, the applicant is a stranger to the item No.4 suit schedule property. The suit schedule properties originally belonged to late Veerappa and Puttamma the parents of the plaintiff. Item No.4 suit schedule property is the ancestral and joint family property of the plaintiff and the defendants 1 to 11. There are no documents to show that applicant is the owner of item No.4 property. Therefore, the present applicant is not a necessary party to the proceedings.

6. The applicant has produced certified copies of plaint and order sheet in O.S.No.338/2021. The applicant being the plaintiff instituted the said suit against the present defendants No.1 to 7 for declaration of his title over land bearing Sy.No.111 of Kembal village measuring 2 acres 10 guntas. In O.S.338/2021 the boundaries of the said property to the east is shown as land of Subbaiah and north is shown as land of Siddalingegowda which are different from the boundaries to the item No.4 property as shown in the present suit.

7. Be that as it may. The applicant claims himself to be the owner of the said property and he has instituted the suit against the present defendants 1 to 7. As such though the boundaries to the east and north are different, the extent and the survey number when are one and the same, it is necessary to implead the applicant as a party to the suit for its proper adjudication. Because when he claims himself to be the owner without impleading him the suit cannot be decided effectively. Hence the following:

ORDER

I.A. dated 23.06.2023 filed by the applicant/proposed defendant No.12 under Order I Rule 10(2) R/w Section 151 of C.P.C. is allowed.

The proposed defendant No.12 is brought on record as defendant No.12.

For amendment and amended plaint

(B.Anupama Lakshmi)
Senior Civil Judge, Nanjangud.
09.02.2023.