

ORDERS ON I.A. No. XII

I.A.No.XII filed by the Plaintiff under Order 1 Rule 10(2) of CPC to pass an order to implead the proposed defendant to come on record as additional defendant No.12 in the present case.

2. In the affidavit she has stated that, after filing of the suit she came to know that, defendant No.9 during the pendency of the suit has created alienation by way of sale deed dated:18.08.2021 in favour of proposed defendant No.12 in respect of suit schedule property item No.5. Which applies for him the doctrine of lis-pendence. Since, the said sale deed do not bind on the plaintiffs. It is necessary for the plaintiffs to implead the proposed defendant in the plaint. The said proposed defendant is are just and necessary to implead as defendants to prove the case in hand. If the application is allowed no hardship would cause to other side. Hence he is the necessary party and prays to allow the I.A.

3. The counsel for defendant has not filed objections. Hence, objections to IA No.XII taken as not filed.

4. Heard and perused.

5. The present suit filed by the plaintiff for the relief of declaration and partition and separate possession. The proposed defendant No.12 is the purchaser of the suit

schedule property. Remaining contentions of both parties pertain to the merits of the case. All the contentions can be kept open for adjudication during the trial. Hence present I.A. deserves to allowed. Therefore I proceed to pass the following:-

:-ORDER:-

I.A. XII filed by the Plaintiff under Order 1 Rule 10(2) of CPC is hereby allowed. The proposed defendant is permitted to implead as defendants No.12.

To carry out the amendment and amended plaint call on

***I Addl. Civil Judge & JMFC.,
Nanjangud.***