

ORDERS ON I.A. No. XIV

I.A.No.XIV 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.11 and 12 in the present case.

2. In the affidavit he has stated that, the present suit is filed against defendants for the relief of partition and separate possession of the suit schedule properties. The suit schedule properties are ancestral joint family properties. The proposed defendant No.11 and 12 are children of 3rd defendant. During the pendency of the suit the 4th defendant has executed a Registered Gift deed in favour of the proposed defendant No.11 and 12. The khatha of suit schedule

properties stands in the name of proposed defendant No.11 and 12. Hence, they are the necessary parties to the suit and prays to allow the application.

3. The counsel for the proposed defendant filed objections to IA No.XIV and contended that, the application filed by the petitioner is not maintainable either in law or in fact and therefore, it is humbly prayed that the petitioner's application may be dismissed with costs. The applicant has filed an application. Hence, he prays to dismiss IA No.III.

4. Heard and perused.

5. The present suit filed by the plaintiff for the relief of partition and separate possession. The suit schedule properties are ancestral joint family properties. The proposed defendant No.11 and 12 are children of 3rd defendant. During the pendency of the suit the 4th defendant has executed a Registered Gift deed in favour of the proposed defendant No.11 and 12. The khatha of suit schedule properties stands in the name of proposed defendant No.11 and 12. Hence, the proposed defendant No.11 & 12 are the necessary parties to the suit. 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.XIV filed by the applicant under Order 1 Rule 10(2) of CPC is hereby allowed. The proposed defendants are permitted to implead as defendant No.11 & 12 as additional defendants.

To carry out the amendment and amended plaint call on

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