

ORDERS ON I.A. No. VI

I.A.No.VI filed by the Plaintiff under Order 1 Rule 10 of CPC to pass an order to implead the proposed defendant to come on record as additional defendant No.5 in the present case.

2. In the affidavit she has stated that, the suit is filed for the relief of permanent injunction against the defendants. After he filed this suit, it is found that the defendants have sold the property in B schedule to the present opponent P J Johny. Since, right of way is claimed over C schedule property which is part of B suit schedule property the present opponent is a necessary party to the suit. The said proposed defendant is just and necessary to implead as defendant 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. No objections filed on behalf of proposed defendant No.5. Hence, objections taken as nil.

4. Heard and perused.

5. The present suit filed by the plaintiff for the relief of permanent injunction. The proposed defendant No.5 is the purchaser of the B suit schedule property. Hence, he is the necessary party 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 be allowed. Therefore I proceed to pass the following:-

-.:ORDER:-

I.A. VI filed by the Plaintiff under Order 1 Rule 10 of CPC is hereby allowed. The proposed defendant is permitted to implead as defendant No.5.

To carry out the amendment and amended plaint call on

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