

ORDERS ON I.A. No. XVI

I.A.No.XVI 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.2 in the present case.

2. In the affidavit he has stated that, after filing of the suit he came to know that the proposed defendant is the purchaser of the suit schedule "C" property mentioned in the plaint. Though, there is a temporary injunction order related to the suit schedule properties, 1st defendant has sold the suit schedule "C" property to proposed the defendant through registered sale deed on 24.04.2023 and both of them have disobeyed the order of this court. Hence, he obtained documents from Sub-Registrar office. 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. The proposed Defendant has not filed any objections to IA No.XVI. Hence, objections to IA taken as not filed.

4. Heard and perused.

5. The present suit filed by the plaintiff for the relief of declaration and permanent injunction. The proposed defendant No.2 is the purchaser of the suit schedule "C" 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. XVI 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.2.

To carry out the amendment and amended plaint call on

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