

ORDERS ON I.A.I U/O.1 RULE 10 (2)
R/W SECTION 151 OF C.P.C

The applicant/ plaintiff has filed the I.A no.I under Order 1 Rule 10(2) R/w Section 151 of C.P.C. seeking to implead the proposed plaintiff no.2 to 5.

2. The plaintiff submits that the proposed plaintiff no.2 is his son, the proposed plaintiff no.3 is his daughter in law and the proposed plaintiff no.4 and 5 are his grandchildren.

The present suit is one for declaration and permanent injunction and in respect of the suit schedule property and it is submitted that, the presence of the proposed plaintiff no.2 to 5 are necessary for the effective and complete adjudication of the matter. And

3. On the other hand, defendant submitted that he has no objection to allowing IA.no.I.

4. Heard both the counsel and perused the documents on record.

5. The following point arises for my consideration;

- 1) Whether the presence of proposed plaintiff No.2 to 5 are necessary for effectual and complete adjudication of the above suit?
- 2) Whether the application U/o 1 rule 10(2) R/w section 151 of C.P.C. filed by the plaintiff deserves to be allowed?
- 3) What order?

6. This court answers the above point no.1 & 2 in the '**Affirmative**' and point no.3 as per final order for the following;

R E A S O N S

7. **Point No.1:-** It is stated in the application that, the present suit is of declaration and permanent injunction in respect of the suit schedule property and hence prays to implead the opponents as proper and necessary party for effective adjudication of the suit.

8. Under order 1 Rule 10 of the CPC the court has discretion to add the party if their presence is necessary for the effective and complete adjudication of the matter. In the present case, during the pendency of the suit the plaintiff has filed this present application and has prayed that implead plaintiff no.2 to 5 as necessary parties and has stated that, they are having lawful share over the suit schedule property. By considering the facts stated this court is of the opinion that, impleading proposed plaintiff no.2 to 5 are necessary for correct adjudication of the matter and if in case they are not impleaded at this stage this will lead to multiplicity of the proceeding in the future. Hence this court answers point no.1 and 2 in the "**Affirmative**".

9. **Point no.3:-** In view of my observations made supra, I proceed to pass the following;

O R D E R

I.A.I U/o 1 Rule 10(2) R/w Section 151
of C.P.C filed by the applicant/plaintiff is
hereby allowed.

Plaintiff is permitted to implead
proposed plaintiff no.2 to 5 in the suit.

For amendment of plaint by

II Addl. Civil Judge & JMFC,

