

Counsel for plaintiff present.
Heard on I.A No.VII.
For orders.

**ORDER ON APPLICATION UNDER ORDER 1 RULE 10 (2) OF
C.P.C.**

The applicant/plaintiff has filed I.A.No.VII Under Order 1 Rule 10 (2) of CPC seeking permission to add proposed defendant No.4 to 11 as defendant No.4 to 11 in the cause title of plaint.

2) The applicant/plaintiff No.1 has sworn to the affidavit stating that, the present suit is instituted for relief of declaration to declare that plaintiffs are the owner of suit schedule property and for the relief of mandatory injunction to handover the question of suit schedule property in favour of plaintiffs and for mesne profits. It is alleged that the vendors of suit schedule properties are not arrayed as parties to this suit. The said vendors i.e., proposed defendant No.4 to 11 are necessary party in this suit. Hence prays to allow the application.

3) Heard.

5) I have perused the materials placed before the court.

6) The following points have arisen for my consideration are;

POINTS

1) Whether the application filed by the applicant/plaintiff No.1 Under Order 1 Rule 10(2) of CPC deserves to be allowed?

2) What order?

7) My answer to the above points are as under;

Point No.1: **In the Affirmative.**

Point No.2: **As per the final order for the following;**

REASONS

8) **Point No.1 :-** Admittedly, the present suit is instituted for relief of declaration to declare that plaintiffs are the owner of suit schedule property and for the relief of mandatory injunction to handover the question of suit schedule property in favour of plaintiffs and for mesne profits. It is alleged that the vendors of suit schedule properties are not arrayed as parties to this suit. The said vendors i.e., proposed defendant No.4 to 11 are necessary party in this suit, as such prays to add them as defendant No.4 to 11 in the cause title of plaint.

9. On perusal of the order sheet, plaint, IA-VII affidavit and documents, it reveals that in this case the proposed defendant No.4 to 11 are necessary parties to proceed the case. Now the court has to look into only the contentions raised by the applicant in I.A.No.VII. The proposed defendants presence before the Court is necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit. The applicant is made out sufficient grounds to allow the present application. Hence, Point No.1 is answered in the Affirmative.

O.S No.29/2019

11) **Point No.2** :- For the reasons stated and discussed as above, I proceed to pass the following,

ORDER

The I.A.No.VII filed by the applicant/plaintiff No.1 Under Order 1 Rule 10(2) of CPC is hereby allowed.

The plaintiff is directed to implead/add proposed defendant No.4 to 11 as defendant No.4 to 11 in the cause title of plaint.

For amendment of plaint and to furnish amended plaint.

Call on 04.07.2024.

**Civil Judge & JMFC.,
T.Narasipura.**