

ORDERS ON IA NO.3

1. That, the plaintiffs have filed an application under Order 1 Rule 10 (6) R/w section 151 of Code of Civil Procedure, with a prayer the transpose plaintiffs No.3 to 20 as transposed defendants. That, the plaintiff No.1 in his affidavit has sworn to the fact that the said plaintiffs No.3 to 20 have got impleaded in O.S.No.61/2009 in transferor court Court and they have no right over the suit properties and they are strangers to their family.

2. That the defendants No.1 and 2 have filed their objections to aforesaid application denying all contentions of the plaintiffs and have specifically contended that the plaintiffs No.1 and 2 have no locus-standi to file the present suit and plaintiffs have not filed plaint in this Court and in view of the same this Court has no jurisdiction to try the present matter. That, the

defendants No.1 and 2 in view of their aforesaid contentions have prayed for rejecting the application.

3. That, I have heard the arguments and perused the materials placed on record. That, the following points arise for My consideration and determination:-

1) Whether the plaintiffs have made out the grounds to allow their said application as prayed for?

2) What order?

4. That, My answer to the aforesaid points are as under:-

Point No.1:- IN THE **AFFIRMATIVE**

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

REASONS

5. **Point No-1:** That, from the records it appears that the plaintiffs have filed the suit on the board of the Hon'ble Prl. Civil Judge (Jr.Dn) Raichur and from the said Court the plaintiffs have presented the present plaint before this Court. It is to be noted here that, though, the plaintiffs have not changed the name of this in the plaint, but it

does not mean that this Court has no jurisdiction to try the present matter. It is to be noted here that, from the records it appears that the plaintiffs have filed the suit for partition and separate possession and the plaintiffs No.3 to 20 have got impleaded in the present suit. It is to be noted here that, from the trial Court records it appears that the said plaintiffs No.3 to 20 have no right to come on record as plaintiffs and they have got the right to implead themselves as defendants. It is significant to note here that, in view of the same the plaintiffs No.3 to 20 are transposed as defendants No.4 to 20. That, in view of the same point No.1 is answered in the AFFIRMATIVE.

6. **Point No.2:-** That, as discussed on point No.1, I proceed to pass the following:-

ORDER

That, the application filed by the plaintiffs under Order 1 Rule 10 (6) R/w section 151 of CPC, is hereby allowed.

That, the plaintiffs No.3 to 20 are transposed as defendants No.4 to 20. That, the

plaintiffs are hereby directed to implead the said
plaintiffs as defendants No.4 to 20 and file amended
cause title by 19.02.2020.

**II Addl. Senior Civil Judge & JMFC,
Raichur.**