

ORDER ON I.A dated 26-11-2019

The Plaintiff has filed this application under Order I Rule 10 R/w Sec.151 of CPC., praying to implead the proposed Defendant as the additional Defendant No.3 in this suit.

2. In the affidavit sworn in support of the present application, it is sworn by the Plaintiff No.1 that, they have filed this suit against the Defendants seeking the relief of Cancellation of the Consent Agreement dated 23-02-2017.

3. That at the time of filing this suit, they had impleaded the Defendant No.1 and 2 who had executed the Consent Deed in their favor. After they appeared and filed their written statement, they pleaded that they have alienated the suit schedule property in favor of the proposed Defendant No.3. Hence, the proposed Defendant is a necessary party to this suit. Thus, by allowing this application, no loss or hardship is

going into caused other side. On the other hand, if the same is rejected, they will be put to irreparable loss and hardship. Accordingly, they have prayed to allow the application.

4. It is seen that, though notice of the present IA has been served on the proposed Defendant, he has not appeared and filed his objections to the present application.

5. Heard the counsel for the Plaintiffs on the I.A and perused the materials on record.

6. The following points would arise for the consideration of this court:-

i) Whether the application filed by the Plaintiffs under Order I Rule 10 (2) of the CPC deserves to be allowed?

ii) If so, what order?

7. My answers 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 Plaintiffs have filed this suit against the Defendant seeking the relief of Cancellation of the Consent Deed dated 23-02-2017 and for partition and separate possession of their share in the suit schedule property. The Defendants No.1 and 2 have appeared and filed their written statement in which they have pleaded their defence.

9. It is pertinent to note that, the proposed Defendant has not denied the contentions of the Plaintiffs in the I.A that he is the purchaser of the suit schedule property from the Defendant No.1 and 2. In such circumstance, considering the nature of the relief sought by the Plaintiffs in the suit, the proposed Defendant is a necessary party to the present suit. Therefore, in the event of not impleading the proposed Defendant as a party to the suit, it would not be possible for this court to adjudicate the matter completely and effectively. On the other hand, by allowing this application, no loss or

hardship is going to be caused to the proposed Defendant.

Accordingly, **this Point is answered in the Affirmative.**

10. Point No.2:- In view of my answer to Point No.1, I proceed to pass the following:-

ORDER

I.A filed by the Plaintiffs under Order I Rule 10(2) R/w Sec.151 of CPC., is hereby allowed.

The Plaintiffs are permitted to implead the proposed Defendant as the Defendant No.2 in the suit.

Further, the Plaintiffs are directed to carry out amendment to the cause title of the plaint and file amended plaint.

09-03-2023.

Prl. Senior Civil Judge & CJM.,
Ramanagara.