

Orders on IA

This order arising out of I.A filed by applicant U/o 1 Rule 10(2) R/w Sec.151 of CPC seeking permission to impleading the proposed defendant as defendants No.5 and 6.

2. In support of application plaintiff has duly sworn affidavit and annexed the same along with application and stated that the plaintiff has filed this suit against defendants seeking relief of

partition and separate possession and it was decided on 27.11.2023 in OS.No.179/2014 aggrieved by this order the present applicant has filed this RA. Further the proposed respondents are necessary to parties in the suit without a made parties this case cannot adjudication and it is not possible to determine right of parties, therefore, proposed respondents are necessary parties to the suit. Hence, allow the application.

3. On the other hand, proposed respondent No.1 has resist application filed by plaintiff and stated that, application filed by the plaintiff is not maintainable either under law or on fact. Hence, prays to reject the application.

4. Heard on both sides.

5. Upon hearing arguments and on perusal of materials placed on record the following points that would arises for my consideration.

1. Whether there is sufficient grounds to allow the application?

2. What order?

6. My findings to the above points are as under:

Point No. 1: In the Affirmative;

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

REASONS

7. **POINT No. 1:** The plaintiff has filed this suit against defendants seeking relief of partition and separate possession and it was decided on 27.11.2023 in OS.No.179/2024. Further the

applicant has has filed this application U/o I Rule 10(2) R/w 151 of CPC seeking to implead the proposed respondents as respondents No.5 and 6. Per contra, the respondent No.1 filed detailed objection to reject the above IA.

8. On gone through the relief sought by applicant/plaintiff as well as documents produced by applicant, it's shows that, proposed respondent are necessary parties to the suit, further without proposed respondent rights and liabilities of parties cannot effectual determined, further if proposed respondents are not permitted to bring on record, present suit cannot effectual determined about rights and liabilities of parities, if this applicant is permitted to bring proposed respondents on record no harm will cause to respondents, if proposed applicant is permitted to decline to bring on record effectual determination cannot be be adjudicated. On considering the application in content of affidavit, court has satisfied that proposed respondents are bring on record as respondents No.5 and 6. ***Hence I answer Point No.1 in the affirmative.***

9. Point No.2: In view of the above discussion, this court proceeds to pass the following:

ORDER

I.A filed by applicant Under Order 1 Rule 10(2) R/w Sec.151 of C.P.C., is hereby allowed with cost of Rs.500/- .

Accordingly applicant is bring on record as respondents No.5 and 6.

The applicant is directed to amend the necessary cause title as per I.A, to furnish amendment plaint.

For amendment:

**1st Addl. Sr.C.J & JMFC.,
Ramanagara.**