

IN THE COURT OF ADDL. SENIOR CIVIL JUDGE,
RAMANAGARA

:PRESENT:

Smt. K.Srividya, B.A.L., LL.M.,
Addl. Senior Civil Judge,
Ramanagara.

O.S. No.98/2014

DATED : THIS THE 10th DAY OF JULY 2017

Plaintiff : B.Ramakrishnaiah.

- V/s -

Defendants : Smt. Suma and another.

* * * *

Orders on I.A. No.6 & 7

I.A.6 application is filed by the plaintiff under Order 1 Rule 10(2) r/w Sec.151 of CPC to implead the proposed defendant No.3. It is accompanied by affidavit. I.A.7 application is filed under Order 32 Rule 3 & 4 r/w Sec.151 of CPC to appoint the person mentioned in the application as natural guardian and next friend of proposed defendant No.3. It is accompanied by affidavit.

Notice was served on the said applications to the proposed next friend of the minor defendant No.3 who has appeared through the counsel but, no objection is filed to the said applications.

2. In the affidavit accompanying the applications, the plaintiff states that, the suit is filed for specific performance of the contract. The defendants in their written statement had taken a contention that, late B.Ramesh had another

first wife late Malathi and through her, he had a son by name Mohith who is proposed defendant No.3. The proposed defendant No.3 is a necessary party to the suit and he being the minor it is necessary to appoint Suresh as guardian to the proposed defendant No.3. Hence, prayed for allowing the applications.

3. Heard the counsel and perused the records. The suit is filed by the plaintiff for specific performance relief. The contention is taken by the defendants in the written statement that, the proposed defendant No.3 who is a minor is son of deceased B.Ramesh. Hence, the proposed defendant No.3 being necessary and proper party to the suit for effective adjudication of the controversy involved in the suit, it is necessary to implead the proposed defendant No.3.

4. So far as I.A.7 is concerned, whether the Suresh could be appointed as next friend of proposed defendant No.3 or not will be considered after the amendment of the plaint. With this observation, proceed to pass the following :

ORDER

I.A.6 application filed by the plaintiff under Order 1 Rule 10(2) r/w Sec.151 of CPC is hereby allowed.

The proposed defendant Mohith is hereby impleaded as defendant No.3.

I.A.7 application filed by the plaintiff under Order 32 Rule 3 & 4 r/w Sec.151 of CPC will be considered after the amendment of plaint.

For amendment of plaint and amended plaint.

**Addl. Senior Civil Judge,
Ramanagara.**