

ORDER ON I.A Dated 30.08.2021 filed by the
applicants U/o 1 Rule 10(2) r/w Sec.151 OF C.P.C.

Instant application filed by the applicants U/o 1 Rule 10(2) r/w Sec.151 of CPC to impleaded them as proposed defendant No.7 and 8.

2. In the accompanying affidavit, the applicant No.1 stated that, the defendant No.1 is the absolute owner of the property bearing Sy.No.51/5, measuring 1 acre 1 gunta of Kurubarakarenahalli village, Bidadadi Hobli, Ramanagara Taluk and sold the suit schedule property in their favour through registered sale agreement dated 21.11.2015 for valuable sale consideration of Rs.35,87,500/-. The defendant No.1 and his wife have executed the registered sale agreement in their favour and received an amount of Rs.24,87,500/- in different dates and remaining balance sale consideration of Rs.11,00,000/- was agreed to receive at the time of registration of sale deed by collecting the documents i.e., 11e sketch. Further stated that, the defendant No.1 stated that, his sisters have filed partition suit against him and others for partition and separate possession in respect of Sy.No.51/5 and other properties. Hence, the defendant No.1 has not

executed the sale deed in favour of them. Further stated that, the plaintiffs and defendant No.1 colluded and filed false suit in order to avoid the execution of absolute sale deed. Hence, they are the bonafide purchaser of item No.1 suit schedule property. Hence, it is prayed to allow the application.

3. The counsel for plaintiff has filed objection denied the application averments and stated that, the applicants have not related to the family of plaintiff and defendants. Hence, they are not parties in the said suit In spite of that, they have filed false application before the court. Hence, prays to dismiss the same.

4. Heard both the counsels.

5. On careful perusal of the application and objection, registered sale agreement and also written arguments. As per sale agreement, the defendant No.1, his wife and his minor children R/by their father i.e., defendant No.1 have executed registered sale agreement in respect of item No.1 property in favour of applicants. Now, the plaintiffs have filed the present suit against the defendants for the relief of partition and separate possession. Hence, to adjudicate the rights of the parties the proposed impleading

applicants are also a necessary parties. Hence, application is allowed in the interest of justice and equity. Accordingly, I proceed to pass the following :

ORDER

I.A dated 30.08.2021 filed by the
applicants/proposed defendants
U/o 1 Rule 10(2) r/w Sec.151 of CPC
is hereby allowed.

Resultantly, the applicants have
impleded as defendant No.7 & 8.

To carryout the amendment and
to furnish amended plaint by

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