

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.378/2014

DATED : THIS THE 16th DAY OF FEBRUARY 2017

Plaintiffs : Ravi and another.

- V/s -

Defendants : President,
... and others.

* * * *

Orders on I.A.I dated 12.02.2014

I.A.I dated 12.02.2014 application is filed by the plaintiff under Order 1 Rule 10 r/w Sec.151 of CPC to implead the proposed defendant as defendant No.5. It is accompanied by affidavit. Objection is filed to the said application.

2. In the affidavit accompanying the application, the applicant states that, the proposed defendant has illegally changed the katha of 1 acre in Sy.No.107/4 and illegally putting up construction of a house. The said property belonged to the plaintiff. Hence, it is necessary to implead the proposed defendant. Hence, prays for allowing the application.

3. In the objection, apart from usual denial of the averments mentioned in the affidavit accompanying the application, the proposed defendant submits that, he has purchased 1 acre 5 guntas in Sy.No.107/1 from the GPA holder Mohammed Sharif Sab and katha has

been changed in his name in MR 22/2008-09 and he is in possession of the said property. Further contend, 21 guntas have been acquired by the Government and Ramanagara D.C. has been given permission and converted the remaining 24 guntas for residential purpose. The proposed defendant has retained one site and sold the remaining sites to different purchasers. Further state, the plaintiff having admitted the suit property belonged to Abdul Kareem Sab now, to create trouble to the proposed defendant, the present application is filed. Further state, the application is not maintainable. Hence, prays for rejection of the application with cost.

4. The argument of the plaintiffs counsel was taken as heard. Perused the Court records. The suit is filed for Declaring that the plaintiffs are the owners of suit schedule property. The plaint averments reveals that plaintiffs seek declaration of title on the ground that they are in possession of suit schedule property for more than 60-70 years. The proposed defendants on the other hand, claims to be the owner of part of the

property and states that, rest of the suit schedule properties have been converted and sites are sold to different persons. The said contention of the proposed defendant that, he is the owner of part of the suit schedule property itself establishes that, he is also necessary party to the suit. Hence, for effective adjudication of the controversy involved in the suit it is necessary to implead the proposed defendant. Hence, with this observation, proceed to pass the following :

ORDER

I.A. dated 12.02.2014 filed by the plaintiffs under Order 1 Rule 10 r/w Sec.151 of CPC is hereby allowed.

The proposed defendant is impleaded as defendant No.5.

For amendment of plaint and amended plaint.

By

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