

22.03.2025

Plt: K.M.A.

D3: N.K.S.

PD4: ADGP

D1: Served

D2: unclaimed

for orders

I.A filed by the	Plaintiff
Date of filing of I.A	19.10.2024
Date of filing of Objection filed by the proposed defendant	30.11.2024
Date of Order	22.03.2025

ORDERS ON I.A.No.4
UNDER ORDER 1 RULE 10(2) OF CPC.,

This application is filed by the plaintiff requesting the court to implement the learned ADLR as defendant No.4.

2. In the affidavit filed accompanying filed accompanying this application, the plaintiff states that he has filed the suit against the defendants with respect to suit property for declaration of title. The defendant No.2 had applied for survey for fixing the boundary of survey number 8215. The surveyor issued notice for conducting the survey for the part of the suit property by fixing the date on 29.08.2024 for survey. Immediately the plaintiff gave a request before the learned Assistant Director of Land Records to stop the survey by giving proper evidence and reasons. Further ADLR was also informed that land records were not prepared as per the registered settlement dated

01-06-1932 in the sub-registered office, Ramanagara and he was also informed that the present case is pending before this court. In spite of it, he directed the surveyor to survey the property. Therefore, the ADLR is to be impleaded as defendant No.4. Hence, he prays to allow this application.

3. On the other hand, Learner ADLR files a memo of appearance on behalf of proposed Defendant No.4 and files objection to this application containing that application is not maintainable either in law or on facts It is further contended that application is filed only to protract the proceedings and the proposed Defendant No.4 proceeded in accordance with law based on the application filed by the applicants for survey. Hence she prays for dismissal of application.

4. Heard the learned counsel for the Plaintiff and ADGP the learned counsel for the proposed Defendant No.4 ADLR and perused the materials on record.

5. The following points arise for my consideration:-

(1) Whether proposed defendant No.4-learned ADLR is necessary party in this suit in order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit.?

(2) What order?

6. My answers to the above points are as under:-

Point No.1 : In the Affirmative;

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

REASONS

7. **Point No.1:-** Undisputedly present suit is filed by the plaintiff against defendants for relief of declaration title with respect to suit property. The plaintiff come up with the present application requesting the court to include the learned ADLR Ramanagara as defendant No.4, contending that in spite of filing application by the plaintiff to stop the survey, the learned ADLR has directed the subordinate to conduct the survey with respect to the portion of the suit property. Therefore, he is a necessary party. It is to be noted that in a suit filed by the plaintiff for declaration of title, it is for the plaintiff to establish his title over the suit property. The proposed defendant No.4 is a statutory body and a proposed defendant No.4 cannot be said to be a necessary party but is a proper party. Proper party is a party in whose presence assist the court for effective adjudication of the dispute between the parties. It can be said that proposed defendant No.4 is a proper party but not necessary party. However, considering the nature of the reliefs offered by the plaintiff and facts and circumstances of the case, I am of the opinion that the proposed defendant No.4 is only proper party. He can be impleaded as defendant No.4. Otherwise, it

would lead to multiplicity of proceedings. Therefore, I come to conclusion that proposed defendant No.4 is only proper party and he is to be impleaded as defendant No.4. With these reasons **I answer Point No.1 in the “Affirmative”**.

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

ORDER

I.A.No.4 filed by the plaintiff under order 1 Rule 10(2) of CPC is hereby allowed.

The proposed defendant No.4, learned ADLR Ramanagara is ordered to be impleaded as defendant No.4.

Plaintiff counsel is directed to carry out the amendment in cause title of the plaint by incorporating the learned ADLR Ramanagara as defendant No.4 and to file amended plaint. R/by:17.04.2025.

Prl. Senior Civil Judge & CJM,
Ramanagara.