

Heard further arguments canvased by learned counsel for the plaintiff on I.A.No.6.

Posted for orders.

ORDER ON I.A. NO.6

This is an application filed by the applicants/plaintiffs Under Order I Rule 10 R/w Section 151 of CPC with a prayer to implead the proposed defendant in this suit as defendant No.6.

Heard the learned counsel for the plaintiffs on IA.No.6 and perused the records available on file.

It is pertinent to note that, the plaintiffs have filed the present suit against the defendants for partition and separate possession in respect of suit schedule properties. It is the contention of the applicants/plaintiffs that during the pendency of the case, the defendant No.5 gifted the suit schedule property in favour of proposed defendant. As such the proposed defendant is also necessary party to the suit for better adjudication of the matter. The proposed defendant has not opposed to the present application by filing objections. Further it is pertinent to note that, the burden is upon the

applicants/plaintiffs to prove the said alienation during the pendency of the case. It is well settled recognized law that in a suit for partition that, all the family members shall be included in the suit for better adjudication of the subject matter. If the present application is allowed no harm or injustice will be caused to the defendants or proposed defendants. By considering the nature of the suit, facts and circumstances of case and to curtail the multiplicity proceedings, this court is of the opinion that, proposed defendants are necessary parties to the present suit for better adjudication of the subject matter. Hence, I proceed to pass the following:

ORDER

I.A No.6 filed by the applicants/plaintiffs Under Order I Rule 10 R/w Section 151 of CPC is hereby allowed on cost of Rs.200/- payable to the legal services authority.

The proposed defendant is brought on record as defendant No.6 in the present suit as sought for.

The plaintiffs shall
amend the plaint and
furnish amended
plaint.

Call on 07-04-2024.

Sd/-
Addl. Civil Judge & JMFC,
Kanakapura.