

**ORDERS ON I.A. NO.5**

Sri.R.M.C.G Advocate for plaintiffs has filed I.A No.5 under Order I Rule 10(2) R/w Section 151 of CPC with a prayer to implead the proposed defendants in the present suit as defendant Nos.15 to 17.

The proposed defendants have appeared in this case through their counsel and filed detailed objections to the present application. In the objections the proposed defendants have denied entire contents of affidavit which is annexed to the present application. It is the specific contention of the proposed defendants that they are the bona-fide purchasers of the suit schedule properties as such they are not the necessary parties to the suit. More over the plaintiffs are not entitle for any shares in the suit schedule properties as such the present suit is not maintainable. Hence the present application is also not maintainable and liable to be dismissed. On these grounds the proposed defendants prayed to dismiss the application.

Heard the arguments canvassed by the learned counsel for the plaintiffs on IA.No.5. The proposed defendants didn't

submit their arguments. 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. When the case was posted for plaintiffs evidence, the plaintiffs have come up with this application. It is the specific contention of the plaintiffs that during the pendency of the suit, the plaintiffs came to know that the proposed defendants have purchased the suit schedule properties from the defendant No.14 under the registered sale deed dated 26-04-2014. The plaintiffs are also having shares in the suit schedule properties, this being the case, the proposed defendants will never get any right on the purchased properties. As such being the purchasers of the suit schedule properties, the proposed defendants are necessary and proper parties to the suit for better adjudication.

Per contra the proposed defendants have opposed to the present application by filing detailed objections.

I have meticulously gone through the entire pleadings and documents available on record. It

is pertinent to note that, in order to implead any person in a suit, the parties have to satisfy that proposed parties are either a necessary party or a proper party to the suit. Keeping in view this principle of law, it is now necessary to consider whether the plaintiffs have made out that the proposed defendants are either necessary or proper parties to this suit. 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 plaintiffs that, the proposed defendants have purchased the suit schedule properties by colluding with defendant No.14. As such it is just and necessary to implead the proposed defendants in the present suit for better adjudication of the matter. The proposed defendants have also admitted the fact of purchase of the suit schedule properties from the defendant No.14. It is evident from the document produced by the proposed defendants that they have purchased the suit schedule properties during the pendency as such without the proposed defendants a proper judgment can't be passed as they are the necessary parties to the suit. More over the proposed defendants will also get the

chance to protect their right by defending the case. Moreover the defence taken by the proposed defendants regarding the non entitlement of any shares in the suit schedule properties by the plaintiffs can't be considered at this stage as the same is the matter of trial. If the present application is allowed no harm or injustice will be caused to the defendants and proposed defendants. By considering the nature of the case, facts and circumstances of case and to curtail the multiplicity proceedings, this court is of the opinion that, the proposed defendants are necessary parties to the present suit for better adjudication of the subject matter. With these observations this court proceeds to pass the following :

**ORDER**

I.A No.5 filed under Order I Rule 10(2) R/w Section 151 of CPC by the plaintiffs is hereby allowed on cost of Rs.200/-.

The proposed defendants are brought on record as defendant Nos.15 to 17 as prayed in the application.

The plaintiffs shall amend the  
plaint and furnish amended  
plaint.

Call on 10.06.2025

**Sd/-**  
**Prl., CJ & JMFC,**  
**Kanakapura.**