

ORDERS ON I.A.NO.8

Sri.C.M.J Advocate for the plaintiff has filed I.A.No.8 Under Order I Rule 10 of CPC with a prayer to implead the proposed defendant in the present case as defendant No.4.

Despite service of notice on the proposed defendant, he didn't appear before the court. As such the proposed defendant is placed as absent.

Heard on IA.No.8 and perused the records available on file.

It is pertinent to note that, the plaintiff has filed the present suit against the defendants for declaration and permanent injunction in respect of suit schedule property. It is the contention of the plaintiff that, during the pendency of the suit the defendant No.3 has sold 20 guntas of land in the suit survey number to the proposed defendant No.4 under the registered sale deed dated 19-06-2017. The plaintiff has recently come to know about the said fact and obtained the documents of the same. Accordingly the plaintiff has filed this application to implead the proposed defendant in this suit as defendant No.4. The proposed

defendant has not objected to present application by filing objections. Further the burden is upon the plaintiff to prove the said alienation by the defendant No.3 in favour of proposed defendant under the sale deed. If the present application is allowed no harm or injustice will be caused to the defendants and proposed defendant as he will get every opportunity to defend the present case by filing his written statement. By considering the facts and circumstances of case and to curtail the multiplicity proceedings, this court is of the opinion that, the proposed defendant is necessary party in the present suit for better adjudication of the subject matter. Hence, I proceed to pass the following :

ORDER

I.A No.8 filed by the plaintiff Under Order I Rule 10 of CPC is hereby allowed on cost of Rs.100/-.

The proposed defendant is brought on record as defendant No.4 in the present suit as prayed in the application.

The plaintiff shall amend the plaint and furnish amended plaint.

Call on 04-07-2025

Sd/-
Prl., Civil Judge and JMFC,
Kanakapura.