

ORDER ON I.A UNDER ORDER 1 RULE 10 R/w SEC 151
OF CPC FILED BY THE PLAINTIFF

The present application is filed by the plaintiff under order 1 Rule 10(2) Read with section 151 of the Civil Procedure Code to permit them to implead the proposed defendant as defendant No.2.

2. In the affidavit accompanying the application sworn by the plaintiff No.1 on behalf of herself and on behalf of plaintiff No.2 who is a minor daughter submits that, they have filed the present suit seeking the relief of partition and separate possession of share of the plaintiff No.2 in the suit schedule properties but due to oversight and inadvertant mistake the proposed defendant was not made party to the suit who is the mother-in-law of the plaintiff No.1 and grandmother of plaintiff No.2 and the proposed defendant No.2 is also having right and share in the suit schedule property. Hence, prays to allow the application and to permit to implead the proposed defendant as defendant No.2.

3. In this case the proposed defendant even though appeared before the court through her counsel she has not filed any objection to the application filed by the plaintiffs. Hence, objection taken as not filed.

4. Heard the learned counsel for the plaintiff.

5. It is notable fact that, the present suit is filed by the plaintiffs for partition and separate possession plaintiff No.2's share in the suit schedule properties and the suit is filed by the plaintiff No.1 who is the wife of the sole defendant and the plaintiff No.2 who is the daughter of sole defendant seeking the share in the suit schedule properties which belong to the father of the defendant namely Dasappa @ Varadaiah who is no more now and hence as the plaintiffs contended that the proposed defendant is the mother-in-law of plaintiff No.1 and grandmother of plaintiff No.2 she appears to be the wife of deceased Dasappa @ Varadaiah i.e., father of the defendant and hence she also has right and share in the suit schedule properties and is one of the necessary parties to determine the suit. Hence, it is necessary to bring her and to implead her as a party to the suit. Hence, the application may be allowed and I proceed to pass the following.

ORDER

I.A filed under Order I Rule 10 R/w Sec.151 of CPC by the plaintiff is hereby allowed.

The Plaintiff is permitted to implead the proposed defendant as defendant No.2 and also plaintiff shall carry out amendment as prayed for and furnish amended plaint.

Issue suit summons to the defendant No.2 on 18.09.2024.

**II Addl. Civil Judge & JMFC.,
Kanakapura.**

(Order signed & pronounced in open court)

Vide Separate Order Sheet

ORDER

I.A.VIII filed under Order VI Rule 17 R/w Sec.151 of CPC by the plaintiff is hereby allowed.

Plaintiff shall carry out amendment as prayed for and furnish amended plaint.

And to pay additional court fee on declaration sought.

Call on 01.08.2024

**II Addl. Civil Judge & JMFC.,
Kanakapura.**

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