

OS. No. 799-2014 (Order on IA No.6).

The applicants have filed this application under Order 1 Rule 10 read with sec. 151 of CPC seeking to implead them in this case.

In the accompanying affidavit, the applicants have submitted that their father and the plaintiff's father Revanna are brothers and they are the sons of Doddaramaiah. Their father's were jointly colluding the suit schedule property and the joint family property were partitioned on 30.05.1962. Some of properties are sold. The plaintiff only to grab their properties have filed this suit. If the application is not allowed they will be put to hardship and hence they prayed fro allowing application.

The plaintiff has filed his objection and have stated that the suit schedule properties are their father exclusion properties. Hence they prayed for rejecting the application.

Heard both sides and perused the materials on record.

The plaintiff has filed this suit seeking for the relief of declaration the application now contended that the suit schedule properties are the joint family properties of their father and

the applicant's father defendant No. 1 to 11 have appeared before this court.

After the issues were framed, the plaintiff's have led their evidence and when it was posted for the further evidence of the plaintiff, the applicants have come on record stating that there was a panchayath parikath effected in their family on 30.05.1962, they have also admitted that the defendant Nos. 2 to 7 are related to them.

As the suit is for the relief of declaration, if all the parties involved in the suit including the suit schedule properties are necessary to be brought on record in order to come to a fair conclusion regarding the issues in question.

Hence in order to avoid multiplicity of proceedings and to come to a fair conclusion, it is necessary to bring the proposed defendants on record.

Accordingly, the IA No. 6 is allowed and the plaintiff is directed to amend the plaint and furnish the amended plaint copy.

Call on 20.09.2018

**Senior Civil Judge and JMFC
Magadi**