

ORDERS ON I.A.No.18

1. The Defendant No.3 has preferred this application U/o 23 Rule 1A of CPC praying to transpose them as Plaintiff No.2 in the suit. In the annexed affidavit, the said defendant contends that post filing of the suit, the plaintiff has shown no interest in the case and has colluded with other defendants and attempting to deprive the right of this defendant and hence prays to prosecute the suit and seek her share in the suit properties and hence prays to allow the application.

2. Per contra, the Defendant No.3 resists this application contending that this is a collusive suit brought by the plaintiff along with the Defendant No.1 & 3 and has not appeared before this Court after passing of the orders in I.A.No.8 dated 17/01/2024. That this Defendant No.3 is the root cause for bringing this frivolous suit and if the Defendant No.3 seeks share in the suit properties, she can seek it as defendant as well and it is not necessary to arraign her as plaintiff and hence prays to dismiss the application.

3. Heard both sides and perused the materials placed on record.

4. It is the argument of the L/c for this defendant that the plaintiff has not come forward to prosecute the suit and

has colluded with other defendants and depriving her right in the suit schedule properties. However it is pertinent to mention here that this Defendant No.3 has neither filed any written statement claiming her share in the suit schedule properties nor placed a memo on record to that extent. In the absence of the same, this Court cannot arrive at a conclusion that this Defendant No.3 is claiming share in the suit schedule properties. Therefore, the following:

ORDER

I.A.No.18 filed by Defendant No.3 is hereby dismissed.

Sd/-

PCJ & JMFC, C.N.Halli