

ORDER ON I.A. NO. 5

Sri. SR, Advocate for the plaintiff has filed I.A No. 5 Under Order I Rule 10(2) of CPC with a prayer to implead the proposed defendants in the present case as defendant No.6 and 7.

Notice of present application has been issued to the proposed defendants and they are appeared in the present case through their counsel and filed objections to present application.

Heard on IA.No.5 and perused the records available on file.

It is pertinent to note that, the plaintiff filed the present suit against the defendants for partition and separate possession in respect of suit schedule properties, it is the contention of the plaintiff that, during the pendency of the suit, the defendant No.1 to 3 have sold out some properties to the proposed defendants under registered sale deed as such it is just and necessary to implead the proposed defendants for better adjudication of the matter. The proposed defendants have objected to present application by appearing before the court. Further the burden is upon the plaintiff to prove the alienation during the pendency of the suit from the defendant No.1 to 3 in favour of proposed defendants. If the present application is allowed no harm or

injustice will be caused to the defendants and proposed defendants. By considering the 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. Hence, I proceed to pass the following :

ORDER

I.A No. 5 filed Under Order I Rule 10(2) of CPC by the plaintiff is hereby allowed.

The plaintiff shall amend the plaint and furnish amended plaint.

Call on 11.03.2019.

**Prl. CJ and JMFC,
Gubbi.**