

ORDER ON I.A.No.VI

The plaintiff No.1 has filed I.A.No.VI under Order 1 Rule 10 r/w Sec.151 of CPC., seeking permission to implead opponents as additional defendants.

2. The plaintiff No.1 has sworn to an affidavit in support of this I.A. and contended that, plaintiffs have filed the suit for partition and separate possession seeking their respective shares in the suit schedule properties. During cross examination of PW.1, counsel for the defendants has specifically asked about the names shown in the RTC. The names of the persons mentioned in the RTC are proposed defendants and plaintiffs have not claimed their share in the suit schedule survey numbers. In order to pass the effectual decree in this case, it is just and necessary to implead the opponents as additional defendants. The proposed defendants are necessary and proper party to the suit. Hence, prays to allow the application.

3. The notice on I.A.VI was issued to the opponents and the same was duly served on them, but only opponent No.1 has appeared before the court and opponent No.2 has remained absent but opponent No.1 has failed to engage counsel and file objections. Hence, the objections to I.A. No.VI was taken as Nil.

4. Heard, perused plaint and I.A. averments along with documents.

5. On its perusal it goes to show that plaintiffs have filed the suit partition and separate possession. On perusal of the G-Tree it goes to show that one Hanumantharayappa had 5 children by name Narasamma, Puttathayamma, Gowramma, Narasimhappa and Bheemanna. Plaintiffs are the wife, daughter and grand children of Bheemanna. Defendants are said Bheemanna and his children through second wife. The opponents are brother of Bheemanna by name Narasimhaiah and one Ramachandrappa. RTC of suit schedule properties jointly stands in the name of plaintiff No.1 and opponent No.1 and 2 along with defendant No.1. Hence, it appears that since this is a suit for partition and some of the properties are jointly stands in the name of opponent also, they are just and proper persons in this suit for proper adjudication of the matter in dispute. Moreover the opponents have not filed objection and contested the I.A. Since katha of suit property jointly stands in the name of opponents they are proper parties to the suit. Hence, I proceed to pass the following;

: ORDER :

I.A.No.VI filed by the plaintiff No.1 under Order 1 Rule 10 r/w Sec.151 of CPC., is hereby allowed.

The opponents are hereby impleaded as defendant No. 4 and 5.

The plaintiff is permitted to carry out amendment and furnish amended plaint.

Sd/-
Prl. Senior Civil Judge & JMFC.,
Madhugiri.