

ORDER ON I.A No.I

The plaintiff has filed I.A No.IV under Order 1 Rule 10 of C.P.C for impleading proposed defendant as defendant.

2. The plaintiff has filed affidavit in support of the above application and stated that, she has filed the present suit for partition and separate possession in respect of suit schedule properties. The case was posted for plaintiff evidence. Meanwhile, the 3rd defendant had sold joint family property in favour of proposed defendant on 30.07.2022. Therefore, it is necessary to implead the purchaser as party to the proceedings. On the said grounds she sought for allowing the application.

3. In spite of service of notice of IA, proposed defendant remaining absent.

4. I have heard the arguments and perused the application and records.

5. The plaintiff has filed this suit for the relief of partition against the defendants.

6. It is the contention of plaintiff that, during pendency of suit, the 3rd defendant alleged to have sold suit item No.1 property in favour of proposed defendant. On perusal of the records it reveals that, the plaintiff sought permission for her to implead the proposed defendant as party to the suit. Admittedly the present suit is for partition in respect of alleged joint family properties. According to the plaintiff, the proposed defendant purchased suit item No.1 property during pendency of suit. Therefore, the purchaser of property would be a necessary party to the suit. By considering the nature of suit and facts and circumstances of the case, this Court is of the considered opinion that, the application deserves to be allowed. Accordingly following order is passed.

ORDER

I.A No.IV filed by the plaintiff U/o I Rule 10 of C.P.C is hereby allowed.

By virtue of order passed on IA No. IV, the proposed defendant of IA IV ordered to be impleaded as defendant No.5. The plaintiff is hereby directed to carryout proper amendment.

No order as to costs.

For amendment and for furnishing amended copy of Amended plaint by: 20.06.2024

Sd/-

Senior Civil Judge & JMFC
Pavagada.