

KAUK510000722019



**ORDERS ON I.A NO.IX**

The instant application is filed by the advocate for the plaintiffs under Order 1 Rule 10(2) of C.P.C for transposition of defendant No.1 as plaintiff No.4 in the suit.

The defendant No.1 has filed an affidavit annexed with the instant application wherein, she has stated that, the plaintiff No.1 is her daughter-in-law, the plaintiffs No.2 and 3 are her children and grand children, the defendants No.2 to 5 are her daughters and son. It is further stated that, she intended to join the claim of the plaintiffs as co-plaintiff No.4 and as such, the instant application is filed.

On the other hand, the defendant No.3 has filed objections to the instant application wherein, he has

contended that, the defendant No.1 has already placed exparte and the same is not set aside and such being the case, the instant application is not maintainable. It is further contended that, the plaintiffs are well aware that, they will not get any reliefs from the Court and as such, they are trying to instigate the defendant No.1 to become as co-plaintiff. The defendant No.3 is the son of defendant No.1. The plaintiff No.1 is trying to gulp the suit schedule properties and to serve her purpose, the instant application has been filed and as such, the same is liable to be rejected.

Heard on both side. Perused the entire materials.

It is admitted fact that, the defendant No.1 is already placed exprte and the said order is not set aside and she has not been permitted to prosecute the case. When such being the case, the defendant No.1 cannot file the instant application to transpose herself as plaintiff No.4.

Unless and until ex parte order passed against the defendant No.1 is set aside, she will not get any rights to contest the suit either the plaintiff or the defendants. When such being the case, without setting aside ex parte order passed against the defendant No.1, the instant application is not maintainable.

As such, I.A.No.IX filed by the defendant No.1 through the counsel of plaintiffs is hereby rejected.

No order as to costs.

For further plaintiffs' evidence call on 10.01.2024.

**Civil Judge and J.M.F.C.,  
Haliyal.**