

KAUK510003662023



ORDERS ON I.A.NO.IV

After rejection of I.A No.III filed by the plaintiff under Order 39 Rule 1 and 2 of C.P.C, she has filed the present application under Order 1 Rule 10(2) R/w Section 151 of C.P.C to implead proposed defendants No.5 and 6 as defendants No.5 and 6.

In the affidavit filed in support of the instant application, the plaintiff has stated that, during the pendency of the suit, the defendants No.5 and 6 by colluding with defendant No.3 have purchased the suit property and got recorded their names to the suit property and as such, it is necessary to implead them as defendants No.5 and 6 and accordingly, the present application is filed.

On the other hand, the proposed defendants No.5 and 6 have filed the objections wherein, they have contended that, after verifying all records of the suit

property, they have purchased the same from defendant No.3 for valuable consideration. It is further contended that, the plaintiff was well aware of the said sale transaction and inspite of the same, she has filed the present false application. With this, the proposed defendants No.5 and 6 pray to reject the instant application by stating that, in their absence effective decree could be passed.

Heard on both side.

The present suit is filed for the relief of cancellation of registered sale deed dated 26.07.2022 and declaration to declare that, the gift deed dated 07.01.2023 executed by the defendants No.1 and 2 infavour of defendant No.3 is not binding on the plaintiff and for permanent injunction to restrain the defendants No.1 and 2 from alienating the suit property. It is admitted fact that, during the pendency of the suit, the proposed defendants No.5 and 6 have purchased the suit schedule property from defendant No.3. Neither the defendant No.3 nor proposed defendants No.5 and 6 have obtained any permission from the Court for the alleged sale transaction. Under these circumstances, Court opines that, the

proposed defendants No.5 and 6 are necessary parties for effectual decree. In the absence of proposed defendants No.5 and 6, no effective decree could be passed. As such, the present application is deserves to be allowed. Accordingly, Court proceeds to pass the following:

ORDER

I.A No.IV filed by the plaintiff under Order 1 Rule 10(2) R/w Section 151 of C.P.C is hereby allowed.

The plaintiff is permitted to implead the proposed defendants No.5 and 6 as defendants No.5 and 6.

The plaintiff is carry out necessary amendment to the cause title of the plaint and furnish amended plaint on next date of hearing.

No order as to costs.

Call on 19.12.2024.

**Civil Judge and JMFC.,
Haliyal.**