

KAUK510011982018



**ORDER ON I.A NO.VI**

The proposed defendant no.3 filed I.A No.VI under Order 1 Rule 10(2) R/w Section 151 of C.P.C., praying to implead him as defendant no.3 and to proceed with the suit.

In the affidavit, the applicant stated that, the plaintiff filed this suit for the relief of declaration of easementary right of way in KLMB portion of Guttigeri Block No.139/2A/1A/3 to ingress and outgress to his property. The proposed defendant challenged the concerned proceedings and other proceedings related to said property in O.S No.5/2020 and present plaintiff is defendant no.4 in said suit. The proposed defendant also filed general suit for partition concerning the land purchased by him in O.S No.13/2021 which is pending. The present plaintiff is trying to get decree concerning right of way in the land belonging to him without impleading

him as party to the suit. Therefore, he filed this application to protect his right. With these contentions, the proposed defendant prayed to allow the application.

The counsel for the plaintiff submits no objection to I.A No.VI.

Heard and perused records.

The plaintiff filed this suit to declare easementary right of way in KLMB portion of Block No.139/2A/1A/3 to ingress and egress to his property from the southern side Haliyal-Dharwad road, to an extent of 9 meters width towards northern side strip by way of prescription and absolute necessity. The proposed defendant is contending that, he purchased said Block No.139/2A/1A/3 through a registered sale deed, therefore, he is necessary party to decide this case. When the proposed defendant is alleging that, he is owner of Block No.139/2A/1A/3 and plaintiff seeking easementary right over the said property, he is necessary and proper party for adjudication of this case. Therefore, he has to be impleaded as party to the suit. Further, the plaintiff submits no objection to implead the

proposed defendant as party to this suit. Therefore, it is proper to allow I.A No.VI. Hence, I proceed to pass the following:

**ORDER**

I.A No.VI filed by the proposed defendant no.3 under Order 1 Rule 10(2) R/W Section 151 of C.P.C., is hereby allowed.

The proposed defendant is impleaded as defendant no.3.

For amendment and amended plaint.

No order as to costs.

**Civil Judge & JMFC.,  
Haliyal**