

ORDERS ON I.A. NO. IX

The instant application is filed by the applicants under Order XXII Rule 3 of CPC seeking permission to implead them as supplemental plaintiffs in the suit.

2. In the accompanying affidavit applicant No.2 has stated that the suit was filed by his father Late Vasu Devadiga and he was died on 22-08-2020. Further, he has stated that applicant No.1 is his mother and other two applicants are his sisters. He and other three applicants are Late Vasu Devadiga's legal heirs and successors. The suit schedule properties are belongs to his father. Hence, they are necessary and proper parties to the suit. If application is allowed no harm to other side. If application is rejected then they would be put to irreparable loss, injury and injustice. Hence prayed to allow the application.

3. In spite of suit summons, the defendants objection to I.A. No. XI is taken as nil.

4. Heard on I.A. No. IX.

5. Now the points arise for my consideration are as:-

- 1) Whether the applicants are necessary parties in order to enable the court effectually to adjudicate upon and settle all the questions involved in the suit?
- 2) Whether the applicants be added as parties to the suit?
- 3) What Orders?

6. My findings to the points are as under:

Point No.1: In the Affirmative

Point No.2: In the Affirmative

Point No.3: As per the final order
for the following:-

R E A S O N S

7. Points No.1 and 2: The plaintiff has filed this suit for permanent injunction in respect of suit schedule properties. The applicants seeking permission to implead them as parties to the suit. According to them they are legal heirs of Late Vasu Devadiga. The suit schedule properties belongs to Late Vasu Devadiga. They have equal share in the suit schedule properties.

10. In this case, the plaintiffs have not disputed the relationship of defendants. Admittedly, the suit schedule properties earlier belongs to Late Vasu Devadiga. Whether the applicants have rights/share over the suit schedule properties will be decided after full pledged trial. As the legal heirs of Late Vasu Devadiga, they are necessary and proper parties to the suit in order to enable the court effectually and completely adjudicate upon and settled all the questions involved in the suit. The suit survives to legal heirs. Therefore, the applicants be added as parties to the suit. Hence, I answered point No. 1 and 2 in affirmative.

11. Point No.3: For the above made discussions, I proceed to pass the following:

O R D E R

I.A. IX filed by the applicants under Order XXII Rule 3 of CPC is hereby allowed.

The plaintiffs are hereby directed to implead the applicants and amend the plaint.

For amendment and amended plaint.

Call on 26-03-2021

**Prl. C.J. & JMFC
Kundapura.**