

ORDER ON I.A VIII

The plaintiff filed this application U/O 1 Rule 10 of CPC for impleading proposed defendant No.11 by name Sri. Yamanappa S/o Nagappa Nalkman as defendant No.11.

In the affidavit it is contended that on dtd.28.12.2020 the said proposed defendant No.11 purchased the suit property bearing its TMC No.2558 for a consideration amount of Rs.3,48,000/- dtd.28.12.2020. But the said property stands in the name of plaintiff's brother's wife by name Kasturibai W/o Sharanappa Goravagundagi. The sale deed was got executed as a son of Kasturibai. The said sale deed executed by Laxmibai @ Kasturibai W/o Sharanappa Goravagundagi and Aryavardhana S/o Sharanappa Goravagundagi by his next friend and natural guardian mother Laxmibai. Therefore, the proposed defendant No.11 is necessary party in the present suit.

After service of notice to proposed defendant No.11 he appeared before the court through his counsel but, did not file any objection.

Heard both side.

Perused the records and averments.

The suit is filed for the relief of partition and separate possession by metes and bounds. As per the allegation of the plaintiff the present defendant No.1 alienated the suit schedule property in favour of proposed defendant No.11. Though the proposed defendant No.11 is not necessary party but, he is formal party and in present the suit schedule property is stands in his name.

Therefore, the presence of proposed defendant No.11 is necessary before the court in order to ascertain the real facts in controversy between the parties. Hence, I proceed to pass the following:-

ORDER

I.A.No.VIII filed by the plaintiff U/o 1 Rule 10 of CPC is hereby allowed.

The proposed defendant No.11 is arrayed in the suit as defendant No.11.

The plaintiff needs to carry out the amendment and to furnish the amended plaint.

Call on07.08.2023.

Civil Judge & JMFC,
Sindagi

FDP No.25/2019

The petitioner counsel has filed memo stating that respondent No.1 Mallappa S/o Hanamantaray Biradar was died and deceased person LRs are petitioners and respondent No.2 and 3 were already on records. Hence, no necessary to take steps against the respondent No.1.

But, the said memo resisted by the respondent No.2 and 3 by filing memo with Judgment and decree copy of OS No.35/2020 passed by Addl.Senior Civil Judge, Sindagi, wherein the LRs of late Mallappa Biradar shown as plaintiffs i.e., Akkamahadevi and Jagadevi and defendant No.2 by name Siddamma, defendant No.3 Neelakantaray and defendant No.7 Sangamma these are the legal heirs of late Mallappa.

On perusal of petition copy wherein, petitioners by name Sachinkumar, Sanjayakumar and Shashikala wife and son of Neelakantaray have filed the present petition against respondent No.1 Mallappa, No.2 Siddamma and No.3 Neelakantaray.

Therefore, it suffice that the petitioners have not brought the other legal heirs which are shown in OS No.35/2020. Therefore, the memo filed by the petitioner is hereby dismissed with

a specific direction to implead all the legal heirs of Mallappa in the petition. Hence, for steps.

Call on 26.07.2023.

Civil Judge & JMFC,
Sindagi