

29/03/2022

P1 to P3 – HVR
D1 to D3 – RM
D4 to D15 – PBR
D16 – SMV
PD17 – MKS
PD18- GHS
PD19 – BPK
Orders on IA 16.

:Order on IA No.16:

The defendant No.16 filed application U/o 1 R.10(2) R/w Sec.151 of CPC praying to implead the proposed defendant No.17 to 19 mentioned below in the suit as they are necessary and proper properties.

Impleading Defendants/Proposed Defendants

No.17 to 19

1) Bengaluru Development Authority,
Represented by its Commissioner,
At 5th Main Road, Kumara Park West,
Guttahalli, Bengaluru-20.

2) M/s Corporate Leisure and Property
Development Pvt. Ltd.,
Represented by its Managing Partner,

No.108, Ground Floor, Oxford Towers,
139, Airport Road,
Bengaluru.

3) Sun City Apartments Owners Association,
Represented by its President,
Ibbaluru Village, Outer Ring Road,
HSR Layout Post,
Bengaluru-02.

In the accompanying affidavit the defendant No.16 submits that, he has appeared in this suit through impleading himself as Defendant No.16 seeking his share in the above suit in the year 2019. Thereafter he has filed his written statement seeking his share in the suit schedule properties. That before his appearance the other defendants have filed their defense. They have served any copies to through he is entitled. Hence he was not aware of the contention of the other defendants. That after discussing with his counsel he came to know that the proposed defendants have entered into Joint Development Agreements and such other incidental documents to develop

the suit schedule properties. In pursuance of the said Development activities and procedure certain portion of the suit schedule property is also relinquished in favour of the BDA through the registered documents. But the other defendants have not disclosed any further details in their defense and hence he could not secure the document as he is aged illiterate and he is not well versed with the procedure. The defendant No.16 further submits that, due to above said acts of the proposed defendants in entering with documents each other they will also have right to defend and as well as he has right to enforce future decree against them, in that event any orders or decree passed by this Court will have no binding effect on the proposed defendants. Hence in order to avoid possible future dispute and further litigation proposed defendants are also proper and necessary parties to the suit.

Hence he filed the application. If the application is allowed no harm or injury will cause to the plaintiff. On the other hand he will be put into great hardship if the application is not allowed. The defendant No.16 prays to allow the application.

2. The notice of I.A.No.16 issued to the proposed defendants No.17 to 19 and they have appeared through their counsel. The proposed defendant No.19 counsel submitted no objection to the application. The proposed defendants No.17 & 18 have not filed any objections.

3. In spite of opportunity given both counsels not argued. Perused the records.

4. It is noticed from the order sheet of the case that the suit is of the year 2006 i.e., more than 15 years old suit. The suit is filed by plaintiffs

against the defendants for Partition, Declaration and Permanent Injunction. In the present suit issues were framed on 04/06/2009 and additional issues framed on 25/10/2019. Further already the plaintiffs side evidence is completed. The defendant No.16 examined as D.W-1 and cross-examined by the plaintiffs side. Then the case is posted for evidence of defendants No.1 to 15 site and they have not led evidence and case posted for arguments. Then the present application filed by defendant No.16 impleading the proposed defendants No.17 to 19 in this suit stating that recently he came to know that proposed defendants have entered into Joint Development Agreement and such other incidental documents to develop the suit schedule property and certain portion of the suit schedule property are also relinquished in favour of BDA through registered documents. Hence said proposed defendants are

necessary parties in the suit. But in support of oral contention the defendant No.16 not produced any documents and moreover how proposed defendants No.17 to 19 are concerned to the suit schedule property and parties to the suit is not properly explained. Hence there is no merits in the application filed by the defendant No.16. Therefore, I proceed to pass th following:

ORDER

The application filed U/o 1 R.10(2) R/w Sec.151 of CPC by the defendant No.16 is hereby rejected.

Costs shall follow the events of the suit.

XIII ACC & SJ, Bengaluru.