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A.No.2219 of 2022
in C.S.No.587 of 2016

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N.SESHASAYEE, J.

This application is taken out by the applicant herein / CSB Bank Ltd., to implead itself as a party defendant in the Suit laid for partition.

2.Learned counsel for the applicant states that one of the suit properties viz. schedule 'H' property is under mortgage, to which, the learned counsel for the plaintiffs submitted that the mortgage was not created by the plaintiffs.

3.Heard both sides. There is a conflict between the applicant and the plaintiffs vis-a-vis the allegations made in the affidavit filed in support of the application and the one averred in the counter affidavit, without getting into the merit of the allegations and counter allegations traded in the respective affidavits of the parties, and inasmuch as the applicant is the mortgagee of schedule 'H' property, this court deems it appropriate to implead the applicant in the suit as 9th defendant.

4.The plaintiffs are directed to carry out necessary amendment and circulate the pleadings on the 9th defendant.

19.12.2022
(1/2)

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