



A.Nos.1301 and 1302 of 2023  
in C.S.No.693 of 2016

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WEB C **R.N.MANJULA,J.**

The petitions in A.Nos.1301 and 1302 of 2023 have been filed by the 3<sup>rd</sup> defendant to include some of the properties in the suit property and to implead certain respondents as defendants 10 to 12 in the suit respectively.

2. The suit is filed for the relief of partition by the plaintiffs. In the said suit, the 3<sup>rd</sup> defendant has taken liberty of filing the petition to amend the plaint by way of including additional property in the suit schedule and also to implead some third parties as defendants 10 to 12.

3. It is needless to state that the plaintiff is the *dominus litis* who has to decide about the particulars of the property in which he seeks the relief or the parties against whom the relief is sought for. The third defendant is at liberty to initiate another suit, if at all he wants to seek any relief as against some of the properties or as against any third parties. One of the defendants cannot get permission in the suit filed by the plaintiff to implead parties or to include some of the properties in the suit as per his whims. Hence, these petitions are not maintainable.



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4. In view of the above, these petitions are dismissed as not maintainable.

**16.03.2023**

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( $\frac{1}{2}$ )