

C.P.C. Order-1

1. Rule-10(2): The court is empower to add the name of anyone in the plaint or remove anyone's name from the plaint at any stage either on its own motion or upon application of either party for effective and complete adjudication of all question. | **68 DLR 81, 3 ALR 398, 6 MLR(HCD) 116, 30 DLR(SC) 244**
2. Rule-10: Stranger as a Party: The proposition of law is by now well settled that a person is entitled to be added as a party in a suit even if he is a stranger, if he has direct interest, legal or equitable in the dispute. | **36 BLD 207, 67 DLR 427, 15 MLR(HCD) 409, 8 MLR(HCD) 302, 9 MLR(AD) 53, 49 DLR 117, 14 BLC(HCD) 747**
3. Rule-10: Seeking Relief: The plaintiff is not seeking any relief against the proposed defendant, he is not necessary party. | **67 DLR 149, 23 BLT(AD) 1, 10 BLC(AD) 58, 11 BLD(HCD) 99**
4. Rule-10(2): Transposition: Of course, generally the court will not allow transposition of defendant as plaintiff after striking the names of the original plaintiffs or transposition them as defendants... .. | **66 DLR(AD) 240, 1 LM(AD) 452**
5. Rule-10(2): Praying for addition as Co-Plaintiffs: When the persons raised any conflicting claim in a suit they cannot be added as co-plaintiff in any circumstances.... .. this is on simple logic that the boat sailed by a sailor from a particular journey cannot be sheared by those whose presence are not in any way acclaimed by the original sailor or sailors. This principle should be maintained for a safe journey. | **23 BLT(HCD) 334, 9 BLD(HCD) 114, AIR 1981(Pat) 298, AIR 1953(Bom) 202**
6. Rule-10: Sec-6(5) of Arthorin Adalat Ain: There is no provision in Arthorin Adalat Ain-2003 which debars a person adversely affected by the decision in Arthorin Adalat Ain suit from being added as a party to the suit. | **21 BLC(AD) 203**
7. Rule-10(2) with Order-23 Rule-1(2): The petitioner filed an application under Order-1 Rule-10(2) of this code and the plaintiff filed an application for withdrawal of suit with permission to sue afresh order of allowing the application of withdrawal of the suit and rejected the addition of party, cannot be challenge who is not a party to the suit. | **4 XP(AD) 176**
8. Rule-10(2): Revisional Stage: A court may add a party even at **the revisional stage** in a proper case when if it clear for the court that the presence of such a party is necessary within the meaning of O-1R-10(2) of the code for end of justice. | **4 XP 165, 13 MLR(HCD) 393, 5 BLD(HCD) 57**

| *Contradictory:-* **12 BLD(AD) 174, 61 DLR 46**
9. Rule-10(2): Transposition: There is no clear provision mentioning the word "transposition" but O-1R-10(2) of this code enables the courts to make such transposition, O-1R-10(2) has empower the courts to strike out name of any party either plaintiff or defendant, improper joined and also to add any person either as plaintiff or defendant who ought to have been joined whether as plaintiff or defendant or whose presence before the court may be necessary for effectual and complete adjudication of the matter. | **3 ALR(AD) 136**
10. Rule-9 and Rule-13: Mis-joining and Non-joining: A suit cannot be **defeated by reason of Mis-joining and Non-joining** of parties. Moreover; in this suit no defect of party is noticed in absence of whom proper adjudication cannot be hampered. | **5 ALR(HCD) 166, 5 ADC 360, 49 DLR(AD) 151, 10 BLC(AD) 41, 61 DLR 299, 28 DLR(SC) 5**
11. Rule-8: Sec-42 of S.R. Act: In a suit for declaratory decree plaintiff to prove his legal character. | **15 MLR(AD) 230**

12. Rule-10: Sub-Lessee: Sub-lessee is not a necessary party to the suit for eviction of monthly tenant. | *II MLR(AD) 81, 6 BLD(HCD) 164, 11 MLR(AD) 417*
13. Rule-10(2): Impleaded Necessary Party: In a suit particularly for partition all the persons having interest in the suit properly must be impleaded in order to adjudicate the dispute effectively and to avoid multiplicity of suits. | *13 MLR(HCD) 41, 7 BLC(HCD) 36, 6 BLD(AD) 291*
14. Rule-12(2): Depositing for Several Plaintiff: In a suit in which there are several plaintiff who have common interest and where all of them signed the plaint and Vokalotnam, the Apex Court held nothing wrong in depositing by one of the plaintiff in trial on behalf of all of them. | *12 MLR(AD) 248, 59 DLR(AD) 87*
15. Rule-10: A Third Person: In a suit for specific performance of contract in respect of property vested in the Government which has already appeared as a party on behalf of the vendor, the petitioner who is a third person is not a necessary party. | *6 MLR(AD) 86*
16. Rule-10(2): Striking off unnecessary parties from proceeding. | *9 MLR(AD) 270*
17. Rule-10(2): Bank Guarantor: For the purpose of effective adjudication of disputes between the parties, necessary parties including the defaulting bank guarantors should be impleaded in a suit for recovery of loan money at any stage of the proceedings. | *9 MLR(HCD) 334*
18. Rule-10: Without of heirs of the deceased respondent the appellant filed an application for adding his heirs in his place which was allowed in spite of objection. | *6 BLC(HCD) 317*
19. Rule-10: Addition of a **subsequent transferee** would not prejudice the plaintiff rather if would held him to get possession of the suit holding. | *57 DLR 317*
20. Rule-10: No Right and Title: As the petitioner had no right and title to the property he was not a necessary party to the suit for eviction of the monthly tenant. | *58 DLR(AD) 185*
21. Rule-10: After Preliminary Decree: In exceptional circumstances addition of parties can be allowed even after preliminary decree is passed. | *49 DLR 60*
22. Rule-9 Mis-Joinder and Non-Joinder in Pre-emption: Sec-96(2) of the said Act creates obligation on the part of the pre-emptor to make co-sharer tenants in disputed holdings as parties to pre-emption application. | *49 DLR 414*
23. Rule-10(2) with Order-22 Rule-4: Predecessor in Interest: Be it is an application for addition of party or an application for substitution of heirs, the concerned parties must show that they have inherited the Estate by their predecessor-in-interest. | *53 DLR 153, 49 DLR 296*
24. Rule-9 and Rule-10(2): Necessary Party in a suit without whom an effective decree cannot be passed... ..
... ..test as to who is a necessary party. | *27 DLR(SC) 129*
25. Rule-13: Objection as to non-joinder or mis-joinder of parties if not raised, shall be treated as have been waived. | *28 DLR(SC) 6*
26. Rule-13: Objection as to non-joinder of parties must taken at the earliest opportunity. | *27 DLR 452, 1 BLD(AD) 77, 5 BLD(HCD) 264, 28 DLR(AD) 5, 22 DLR(WP) 115, 27 DLR 413, 17 DLR(WP) 113, 9 DLR 83, 18 DLR 313, 17 DLR 17, 22 DLR 316, 28 DLR 421, 17 DLR 729, BCR 1982(AD) 104, AIR 1932 539, ILR 9(Cal) 309, 17 BLT(AD) 25, 18 BLT(HCD) 86*
27. Rule-10: Multiplicity of Suit: Parties may be added in a proceeding in the interest of justice and to avoid multiplicity of suit. | *36 DLR 272*
28. In a suit for ejection sub-tenant is a necessary party. | *9 DLR 102*
29. Rule-8: A person **appointed a representative** under Rule-8 is not a party in his personal capacity. On his death, his right do not survive to his heirs. | *8 DLR 60*
30. Rule-10: Entire Defendant: This rule does not authorize the replacement of an entire set of defendant or opposite parties by a new set of defendants or opposite parties. | *5 DLR 69*
31. Rule-10: Lessee: Presence of lessee is not in any way necessary in order to effectively adjudicate upon and settle the questions involve in the suit. | *31 DLR 107, 7 BLD(HCD) 105, 8 BLD(AD) 218*

32. Rule-10 with Rule-12: After Abate: In the interest of justice, the heirs, of a deceased in respect of whom, the suit has abated, can be permitted to added as parties in suit. | **22 DLR 500, 44 DLR 156, 41 DLR481, AIR 1940(PC) 215, 9 BLD(HCD) 355., 9 BLD(HCD) 407, 12 BLD(HCD) 511**
33. Rule-10(2): A person may be added as a defendant or plaintiff in a suit to enable the court to completely adjudicate on all relevant questions in the suit. | **36 DLR 303**
34. Rule-11: Person Means: "Person" in Rule-11 means a person who is a party to the suit and not a stranger. | **20 DLR 902**
35. Rule-3 and 4: Plaintiff can **join all persons as defendants** against whom any **right to relief** in respect of same cause of action arising against them involves common question of law and facts. | **5 BLD(AD) 115**
36. Rule-9,10 and 13: Pre-emption: Provision of section_96(2)_ regarding of necessary parties is mandatory and not directory. | **1 BLD(AD) 77, 4 BLD(HCD) 288**
37. Rule-9: Partition Suit: Whether such suit is maintainable without impleading co-sharers- in a partition suit, the established principle of law is that **all co-sharers shall be impleaded** and that failure to implead any co-sharer shall render the suit liable for dismissal. | **6 BLD(AD) 109, 9 BLD(HCD) 10, 26 DLR (SC) 363, 8 DLR(Dacca) 645**
38. Rule-10: It is well settled that an order of addition of parties can be made only where they are either necessary or proper parties but where this is not so, no order for addition of parties can be made. | **6 BLD(AD) 189**
39. Rule-10: Probate Proceedings: The person independently of the will and adversely to the testator has no locus standi to file application for being added as party in the probate proceeding. | **8 BLD(HCD) 143, 33 DLR(AD) 254, 21 DLR 331, 1 BLD(AD) 218, 8 BLD(HCD) 218**
40. Rule-10: Appeal: Addition of party on the appellate stage in a suit for specific performance of contract. | **9 BLD(HCD) 134, 35 DLR 60, 35 DLR 110, 6 IC 912, 11 BLD(HCD) 65, 7 DLR 105**
41. Rule-10: Transpose: Transpose of a co-plaintiff to a proforma-defendant in order to avoid the suit being dismissed for defect of parties. | **9 BLD(HCD) 180, AIR 1943(Cal) 427**
42. Rule-10: Government: Government is a necessary party in a case for specific performance of contract. | **51 DLR 414**
43. Rule-10: Transpose: Read With Sec-151 of C.P.C: The HCD has power to transpose party from one category to another. | **PLD 1964(Dacca) 510, 15 DLR 694**
44. Rule-10(2): A **bona fide purchaser of the suit property** during the pendency of partition suit would be entitled to the share of the alienor's share in equality and he is **necessary party**. | **AIR 2007(SC) 1062**

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