

KABG040002812025



13.10.2025

O.S.No.143/2025

**ORDER ON I.A.NO.II FILED U/O.I RULE
10(2) R/W. SEC.151 OF C.P.C.**

The counsel for plaintiff has filed application U/O.I Rule 10 R/w. Sec.151 of Code Civil Procedure (I.A.No.II), seeking to implead proposed defendant No.15 in the suit.

2. In the affidavit annexed to the application, the plaintiff has stated that he has filed the present suit for declaration and mandatory injunction against the defendants in order to declare his date of birth as 17.06.1986 and to direct the defendants to correct the date of birth of plaintiff in educational records and that the proposed defendant is Deputy Director of Public Instructions and as such he

is necessary party to the suit. It is further stated that if the present application is allowed, no loss or prejudice would be caused to defendants and on the contrary if the same is not allowed, then the plaintiff would suffer great loss and hardship. On these grounds, the plaintiff has prayed to allow I.A.No.II.

3. On service of notice, the proposed defendant No.15 appeared through learned D.G.P. and submitted no objection to allow I.A. No.II.

4. Heard arguments of the counsel for plaintiff. Perused the materials available on record.

5. The counsel for plaintiff (Applicant) argued that the proposed defendant No.15 is necessary party to the suit and without impleading him, no proper adjudication can be made and prayed to allow the application.

6. At the outset, it is very much necessary to reiterate the provision of law as

contemplated under Order I Rule 10 (2) of Code of Civil Procedure which reads thus:

(2) Court may strike out or add parties: *The Court may at any stage of the proceedings, either upon or without the application of either party and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out and that the name of any person who ought to have been joined, whether as plaintiff or defendant or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.'*

A plain reading of the above said provision of law clearly reveals that it is necessary to add parties in order to enable the Court to arrive at effective and complete adjudication of the matter.

7. At this point it is essential to discuss who is a necessary party:-

“A necessary party is a person who ought to have been joined as a party and in whose absence no effective decree could be passed by the Court. If a necessary party is not impleaded, the suit itself is liable to be dismissed.”

8. The plaintiff has stated that the proposed defendant No.15 is necessary party and prayed to implead him as defendant No.15 in this suit. The present case is for the relief of declaration to declare the date of birth of plaintiff as 17.06.1986 and mandatory injunction directing the defendants to rectify the same in his records. Such being the case, the proposed defendant No.15 is necessary party as the plaintiff is intending to seek the relief against the said party also who is Administrative Authority over the educational institutions. Hence, the application filed by plaintiff deserves to be allowed. Hence, I proceed to pass the following :

O.S.No.143/2025

ORDER

The application filed by the applicant/plaintiff U/O.I Rule 10 R/w. Sec.151 of Code of Civil Procedure (I.A. No.II) is hereby allowed.

The plaintiff is directed to implead proposed defendant as defendant No.15 in the suit.

Further, plaintiff is directed to amend the plaint accordingly and to file the amended plaint.

**Prl. Civil Judge and J.M.F.C,
Belagavi.**

For amendment of plaint and file
amended plaint by 16.10.2025.

**Prl. Civil Judge and J.M.F.C,
Belagavi.**