



IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL JUDGE, GOKAK

Present: K.M. SHANKAR, B.A.L., LL.B.,
I Addl. Senior Civil Judge, Gokak

Dated, this the 21st day of February, 2023

FDP.No.7/2018

- Petitioners:
1. Basavaraj Pawadi Puji, since deceased by his LRs.
 - 1A. Shivakumar Basavaraj Pawadi Puji, Age: 38 years, Occ: Agri & Service, R/o: Gosabal village, Gokak taluk.
 - 1B. Santoshkumar Basavaraj Pawadi Puji, Age: 36 years, Occ: Agri & Service, R/o: Gosabal village, Gokak taluk.
 - 1C. Girija W/o. Pandurang Melavanki, Age: 35 years, Occ: Household, R/o: Kankanwadi village, Raibag taluk.
 2. Shivaling Pawadi Puji, Age: 63 years, Occ: Agriculture, R/o: Bendwad village, Raibag taluk, now at Gosabal village, Gokak taluk.

(By Sri.BKJ., Advocate)

V/s

- Respondents:
1. Panchakshari Pawadi Puji, Age: 58 years, Occ: Agriculture, R/o: Bendwad village, Raibag taluk, now at Koujalagi village, Gokak taluk.
 2. Shadkshari Pawadi Puji, Age: 53 years, Occ: Agriculture, R/o: Bendwad village, Raibag taluk, now at Koujalagi village, Gokak taluk.



3. Shankar Pawadi Pujeri,
Age: 50 years, Occ: Agriculture,
R/o: Bendwad village, Raibag taluk,
now at Koujalagi village, Gokak taluk.
4. Tammanna Ningappa Bulli,
Age: 58 years, Occ: Agriculture,
R/o: Koujalagi village, Gokak taluk.
5. Hanamant Krishnappa Koti,
Age: 48 years, Occ: Agriculture,
R/o: Koujalagi village, Gokak taluk.
6. Gangawwa W/o. Annasab Hosur,
Age: 51 years, occ: Household,
R/o: 100 road, Sangali, Maharastra State.
7. Anasuya W/o. Basavaraj Pujeri,
Age: 58 years, Occ: Household,
R/o: Gosabal village, Gokak taluk.

(R1 to 3 R/by Sri.AKK., Adv.,)
(R4 to 7 exparte)
(PR8 & 9 R/by Sri.SBN., Adv.,)

I.A. No.7

Applicants : Ashok and another
V/s

Opponents : Panchakshari and others

ORDERS ON IA.NO.7 FILED UNDER ORDER 1 RULE 10(2) R/W/S 151 OF
CPC

The proposed respondents 8 and 9 have made the instant application seeking their impleadment in the petition on the grounds that the petitioners have filed the petition for drawing



up of a final decree as per the order passed in OS.No.108/2010 dated 06.12.2017 by this court. The respondents 1 to 6 are the plaintiffs in the said suit. They did not implead the proposed respondents 8 and 9 as parties to the suit or FDP proceedings intentionally in order to grab their valuable shares in the suit properties. Their names are appearing in the record of rights of the petition properties and they have exclusive right and share along with the petitioners and respondents 1 to 6 in the suit properties.

2. The fathers of the proposed respondents 8 and 9 namely, Ningappa Revappa Pujari and Pawadi Siddappa Pujari purchased jointly the land bearing Sy.No.40/1, measuring 20 acres and 33 guntas, PK 03 acres and 08 guntas and 12 annas, Net 17 acres and 24 guntas and 04 annas (Old Sy.No.40, measuring 23 acres and 19 guntas and PK 04 acres and 10 guntas, out of it 3/4th share as per the sale deed) of Bendawad village Raibag taluk from Peergonda Malagonda Patil and others for valuable consideration of Rs.2000/- through a registered sale deed dated 12.05.1969 and same was registered before the office of the Sub-Registrar, Raibag. In the said property the proposed respondents 8 and 9 have 10 acres and 16 guntas and



08 annas and remaining 10 acres and 16 guntas and 08 annas belong to the petitioners and respondents 1 to 3. The proposed respondents are also in possession and enjoyment of the same.

3. In the R.S.No.52/2, measuring 03 acres 13 guntas, PK 05 guntas, the proposed respondents 8 and 9 have 22 guntas and 03 annas jointly and remaining area 01 acre and 26 guntas and 08 annas belongs to the petitioners and respondents 1 to 3 jointly. In the R.S.No.51/2, measuring 04 acres and 11 guntas, PK 10 guntas, the proposed respondents 8 and 9 have 28 guntas and 08 annas jointly and remaining 02 acres and 05 guntas and 08 annas belong to the petitioners and respondents 1 to 3 jointly. In the R.S.No.51/1, measuring 04 acres and 17 guntas, PK 02 guntas, out of 07 guntas, the proposed respondents 8 and 9 have 01 guntas and 04 annas jointly and remaining 03 guntas and 08 annas belongs to the petitioners and respondents 1 to 3 jointly. The proposed respondents are in possession and enjoyment of their properties. Recently the said facts came to the knowledge of the proposed respondents 8 and 9 when they obtained the records from the concerned authorities. Hence, in order to avoid multiplicity of the proceedings their impleadment is just and necessary. There is no any willful delay or latches in



their part in filing the application. If it is allowed, no loss or hardship would be caused to the other side. On the contrary, if it is not allowed the proposed respondents will be put to heavy and irreparable loss. The said application is not resisted by the parties.

4. I have heard the arguments of the learned counsel appearing for the proposed respondents 8 and 9 and perused the material on record. Petitioners and respondents have not submitted arguments.

5. Points that arise for consideration of the court are;

1. Whether the proposed respondents 8 and 9 have made out grounds to allow the application?

2. What Order?

6. Findings of the court on the above points are as under:

Point No.1: in affirmative and

Point No.2: as per the final order for the following:

R E A S O N S

7. Point No.1; at the out set, this application is not resisted either by the petitioners or respondents. That apart, the



documents produced by the proposed respondents 8 and 9 go to show that they are the co-sharers of the suit properties but in their absence the suit was decreed. Therefore, they must be provided an opportunity to establish their claim in order to meet the ends of justice and accordingly, the application needs to be allowed and the point No.1 is answered in the affirmative.

8. Point No.2; in view of the findings arrived on the point No.1, I proceed to pass the following:

O R D E R

The IA-7 filed Under Order 1 Rule 10

(2) R/W/S 151 of CPC, is hereby allowed.

There shall be no order as to cost.

(Dictated to the stenographer on computer, typed by him, revised, corrected and then pronounced by me in the open Court on this the 21st day of February, 2023)

(K.M.SHANKAR)
I Addl. Senior Civil Judge, Gokak