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O.S.No.434/2024

KABG510064682024



IN THE COURT OF ADDL. CIVIL JUDGE AND J.M.F.C.,

At : GOKAK

Present:

Smt.Chaitra V. Kulkarni.

B.A., L.L.B., L.L.M.

Addl. Civil Judge & J.M.F.C.,
Gokak.

Dated this the 05th Day of June- 2026

Original Suit No.434/2024

Plaintiff/s: 1. Ku: Mahantesh S/o Kallappa
Vanashanvi and Others,

(By Shri.R.S.T, Adv.,)

-V/s-

Defendant/s: 1. Kallappa S/o Vittal Vanashanvi and
Others,

(By Shri.M.M.K, Adv., for D-1 to 4)

(By Shri.G.S.N, Adv., for D-5 to 10)

IA No.II

Applicant/s: 1. Smt. Renuka W/o Kallappa
Vanashanvi and Others,

-V/s-

Opponent/s: 1. Ku: Mahantesh S/o Kallappa
Vanashanavi and Others,

**ORDER ON IA NO.2 FILED UNDER ORDER I RULE 10 OF
CPC**

The present application has filed by proposed defendants and sought permission to come on record as defendants No.5 to 10 . In the annexed affidavit, proposed defendant No.10 has stated that, plaintiffs filed present suit for relief of partition and separate possession, and proposed defendants are the wife and children of defendant No.1, the filing of present suit came to their knowledge when the summons was served upon defendant No.1. Further, the proposed defendants also have their share in the suit properties, thus the proposed defendants are necessary parties to the suit. Hence, they have sought to allow the application.

2. On the other hand the plaintiffs have filed their objections by denying all the contents of affidavit but they have admitted that, the proposed defendants are wife and children of the defendant No.1. Further contended that, the

proposed defendants also had filed suit bearing O.S.No.785/2011 against the present defendant No.1 and his brother and got compromised the matter by leaving the present plaintiffs and defendant No.3 and 4, and the proposed defendants have got properties under said compromise, therefore, since already they have got share in the properties, they cannot claim again share by getting impleaded, hence they are not necessary parties to the suit, thus sought to reject the application.

3. Heard counsels for both side. Perused materials available on record.

4. The following points arise for my consideration:

Point No.1:- Whether the proposed defendants show the ground that they are necessary parties to the suit?

Point No.2:- What Order?

5. This court answers the above points as under for the following reasons:

Point No.1 : In the Affirmative,

Point No.2 : As per final Order

For the following:

::REASONS::

6. Point No.1:- The present suit has filed for the relief of partition and separate possession. It is admitted fact that, the proposed defendants are wife and children of the defendant No.1 . It is to be noted that, it is only contention of plaintiff that, since the proposed defendants have already got their share, they have no interest in the present suit properties. But it is pertinent to note that, since the proposed defendants admitted to be wife and children of defendant No.1, if they will be impleaded in the suit, then the matter can be adjudicated properly in the presence of all the parties, who are said to be having right and interest in the suit properties .

7. Further, it is pertinent to note that if the proposed defendants will be impleaded in the suit, it aids the court to decide the lis on merit. Hence, at this stage the proposed defendants have shown that the they are necessary parties to the suit and their presence to determine the suit is necessary. Accordingly, **Point No.1** is answered in the **Affirmative**.

8. Point No.2:- For the above said reasons, this court pass the following:

ORDER

IA.No.2 filed by the proposed defendants Under Order I Rule 10 of CPC is hereby allowed.

Consequently, the proposed defendant No.5 to 10 are permitted to come on record as defendant No.5 to 10.

(Directly dictated to the stenographer & typed by him, the same is edited, revised and corrected by me & then pronounced in the Open Court on this the 05th day of June-2026.)

**Addl. Civil Judge & JMFC.,
Gokak**