

KABG600004892014



**IN THE COURT OF THE SENIOR CIVIL JUDGE AT: HUKKERI,
ITINERARY COURT AT SANKESHWAR.**

O.S.No.88/2014

Dated this the 9th day of October 2025

PRESENT: RAJANNA SANKANNANAVAR,
B.A., LL.B.,(Spl.)
**Senior Civil Judge, Hukkeri,
Itinerary Court at Sankeshwar.**

BETWEEN:

1. Shri Vishnu Yallappa Keloji
.....Plaintiff

AND:

1. Shri Vasant Dattatreya Gavade and Others
.... Respondents

Parties to I.A.No.XXVII

1. Shri Vishnu Yallappa Keloji
.....Applicant/plaintiff

:AND:

1. Sushila Bhagoji Patil and Others
....Opponents/Defendants

ORDER ON I.A.NO.XXVII U/Or. 1 Rule 10(2) of CPC

The Applicant/the plaintiff has filed present application and prays to permit him to implead the

proposed defendants as Def.no.5 to 24, since they are necessary party in the present suit.

The facts of Affidavit of IA-I as follows:

3. The facts of the affidavit as follows :

In the affidavit it has been stated that the plaintiffs have filed present suit against the defendants for the relief of partition and separate possession over the suit schedule property. In the cross examination of plaintiff/P.W.1 he admits that the land in R.S.No.18/6, 18/7 and 180/1+2+3A properties are not included in the present suit. Said lands are not included by oversight. Further averred that the name of the ancestress' of proposed defendants have been appeared. Further averred that he has filed necessary application for impleading above said properties. So the proposed defendants are necessary parties in the present suit. Now it is necessary for correcting the same to meet ends of justice. If IA is allowed, no hardship will be caused to other side and if IA is not allowed, then it will be irreparable hardship will be caused to applicants.

4. The defendants have filed objection to I.A. and opposed to allow the application. In view of the reasons assigned in the affidavit are all false. Further in order to drag on the matter, the plaintiff has filed this type of application. Further contended that present application is belated stage and there is no any reasons are assigned in

the affidavit that why delay has been caused to file present application. Further contended that the plaintiffs and defendant are not own brothers and there was partitioned between the ancestress of plaintiffs and the defendants. If I.A. is allowed, it will be causes to defendants. Hence, prays to dismiss the application.

5. Heard the arguments of both sides. Perused available materials.

6. On pleadings of both the parties and records, the points are arise for consideration as follows;

P O I N T S

1. Whether the applicant/plaintiff has made out sufficient grounds for entitle the claim as sought in the present I.A.No.XXVII?

2. What order?

7. Now the findings of this Court on the above said points are as follows;

Point No.1: In the Affirmative

Point No.2: As per final order for
the following ;

R E A S O N S

8. **P O I N T No. 1:-** Wherein the plaintiff has filed present suit against the defendants for the relief of partition and separate possession over the suit schedule

properties. Upon service of summons, the defendants No.1 to 6 have appeared through their advocate and filed W.S. Issue have been framed. Plaintiffs side evidence has been completed. When case is listed for further evidence of D.W.3, At this stage, the plaintiff has come with present application and prays to amend his plaint as prayed above.

9. Admittedly, the plaintiffs have filed present suit for the relief of partition and separate possession over the suit schedule properties. The proposed amendment are only inserting the names of the parties who are necessary party in the present suit. Therefore, the cause of action, nature of suit will not change. Moreover, the defendants have got every right to file their objection and also got right to cross-examine the party in respect of proposed amendment. Further in the nature of suit for partition and separate possession, then ought to have been inserted all the family members in the partition suit suit. Further it is the case of the plaintiffs that the names of the proposed defendants have been mentioned in the RTC Extract. Therefore, on Prima faciea the proposed defendants are necessary party in the present petition.. Further the name so the proposed defendants have been appeared in the RTC Extract. Further inspite of service of summons in I.A.No.27 and 28 to the proposed defendants, then have not look after

Further if IA is allowed no hardship will be caused to other side and if IA not allowed, they will be put to great hardship and also the proposed amendment is helpful to the court for effective adjudication of the matter. Under these circumstances, the plaintiff/applicant is entitled relief as sought under I.A.No.XXVII. Hence, point No.1 answered in the **Affirmative**.

10. **Point No.2:-** In the result, this Court proceeds to pass the following ;

ORDER

The I.A.No.XXVII filed U/Or. 1 rule 10(2) of CPC by Applicant/plaintiff is herein allowed.

Accordingly, permitted the applicant to come on record as defendant No.5 to 24,

Further directed the plaintiff to make necessary correction as insert defendant No.5 to 24 in the cause title of plaint.

No order as to costs.

(Dictated to the Stenographer, transcribed by her, corrected and then pronounced in the Open court by me on this the 9th day of October 2025)

(RAJANNA SANKANNAVAR)
Senior Civil Judge, Hukkeri,
Itinerary Court at Sankeshwar.