

The provision under which application is filed	:	IA No.IV– U/O I Rule 10 CPC
Relief Sought for	:	Seeking impleadment of proposed defendants.
The date on which application is filed	:	26.03.2023
Number of application	:	IV
The date on which objections are filed by opponents	:	17.04.2025
The date on which Orders are passed on the applications	:	29.04.2025

ORDERS ON IA No.IV.

The plaintiffs have filed this IA seeking impleadment of proposed defendant No.8 and 9 in the suit.

2. In the affidavit annexed to the application, it is averred that the plaintiffs have filed suit for partition and separate possession. They have arrayed the male children of their uncle Kadappa as defendant No.6 and 7. However, they have not arrayed the female children of Kadappa Channnappa Ammanagi in the suit. Some of the defendants have taken the contention that the proposed defendants are also necessary parties. Therefore, they have filed this application seeking impleadment of the proposed defendants. Accordingly, plaintiffs prayed to allow the application.

3. After filing the application, notice was sent to the proposed defendants. Notice was served to the proposed defendants. They have not appeared before the court.

Defendant No.5 filed objections to the application. In the objections, it is contended that the proposed defendants are not necessary parties to the proceedings. Without their presence, the suit can be concluded. The application is filed only to drag on the matter. Accordingly, they prayed to dismiss the application.

4. Heard and perused the materials available on record.

5. The points that would arise for my consideration is as follow:

1 : Whether the proposed defendants are necessary parties ?

2 : What order ?

7. This court answers the above points are as follows:

Point No.1: Affirmative

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

:REASONS:

8. **Point No.1:-** The suit is for partition and separate possession. The defendants No.6 and 7 are said to be the male children of late Kadappa. In a suit for partition, all the children of the deceased would become necessary parties.

The defendant No.5 has taken contention in the the written statement that proposed defendants are necessary parties. Therefore, objections of the defendant No.5 has to be ruled out. Since it is found that the proposed defendants are necessary parties to the suit, They have to be impleaded. Accordingly, point No.1 is answered in the affirmative.

9. **Point No.2:** For the reasons stated above, I proceed to pass the following:

ORDER

IA No.IV filed by the plaintiff under Order 1 Rule 10 of CPC is hereby allowed.

Plaintiff is permitted to implead the proposed defendants as additional defendants.

OS No. 270/2019

For amendment and to file amended
plaint.

Call on 14.07.2025.

02.05.2025

Civil Judge and JMFC, Hukkeri