

ORDER ON IA II

The learned counsel for applicant/proposed defendant no.14 to 16 has filed this application U/o 1 Rule 10(2) R/w Sec.151 of CPC and prayed to implead the legal heirs of deceased Venkappa Tippanna Teggi may kindly be implead as proposed defendant no.14 to 16 in the interest of justice and equity.

2. In support of this application proposed defendant no.14 filed affidavit, in the affidavit itself it is stated that the deceased Venkappa Tippanna Teggi was her husband and he died on 16.05.2021 leaving behind him his first wife Smt.Nagawwa and her son Sidram and she the 2nd wife of deceased Venkappa and her two children by name Kumar Prettam and Kumari Rachita as his legal heirs. But the plaintiffs while instituting this suit have purposely left their names and purposely they have not impleaded as the defendants in this suit but whereas herself and her children are also having the share in the share of deceased Venkappa Teggi. If they are not impleaded as a party to the suit then they have to suffer irreparable loss and they have

lose their legal share in the suit property. Hence, prayed to allow the application.

3. The learned counsel for plaintiffs filed objection to this application and contended that the proposed applicant No.1 Smt.Kavita is admittedly second wife of deceased Venkappa as such she has no status to claim any share stepping under the shoes of deceased Venkappa. That the proposed applicant no.2 and 3 are born out of second marriage as admitted by the applicant as such they have no right to claim any relief. By contending so plaintiffs pray to dismiss the application with heavy cost.

4. Heard and perused.

5. On going through the above contention, this is the suit filed by the plaintiff against the defendant for the relief of partition and separate possession of their legitimate share in the suit schedule properties bearing R.S.No.25/2 an extent of 7 acre 27 guntas and R.S No.37/1 an extent of 4 acre 38 Gs situated at Palkimanya village. They have sought 1/10th

share in the suit schedule properties. The present applicants are the 2nd wife and children of Venkappa Teggi who died on 16.05.2021. The said Venkappa Teggi was also husband of defendant no.12 viz.Nagavva. But the contention of the defendants plaintiffs that since the present applicant no.1 is admittedly the 2nd wife of deceased Venkappa as such she has not status to claim any share step in under the shoes of deceased Venkappa. Even though the applicant no.1 is the 2nd wife but the children of Venkappa Teggi viz.Kumar Preetam and Kumari Rachita who are the minor children . Since the Kavita is the natural mother of applicant no.2 and 3 and the children are having their legitimate share in the share of Venkappa Teggi, I am of the opinion that they are the necessary parties to the suit. Accordingly, I proceed to pass the following:

ORDER

Application filed by the applicants/proposed defendant no.14 to 16 U/o 1 Rule 10 (2) R/w Sec.151 of CPC is hereby allowed.

The defendant no.14 to 16 are permitted to come on record to proceed

with the matter in the place of deceased
defendant no.12.

Call on for amendment.

(Geethamani)
Addl. Senior Civil Judg & JMFC
Mudhol

ORDER ON IA III

The applicants/ proposed defendant no.14 to 16
filed this application U/o 32 Rule 2 of CPC and prays to
appoint the applicant no.1 as minor guardian of minor
applicant no.2 and 3 in the interest of justice and equity.

2. In support of their application they have filed
affidavit stating that the applicant no.2 and 3 are the
children of deceased defendant no.12 viz.Venkappa
Teggi and they are minor under care and custody of
applicant no.1 . She is looking after the minor
applicants. Hence, prays to allow this application.

3. Since there is no rival claim the plaintiff and
defendants have not filed objections to this application,
accordingly I proceed to pass the following...

ORDER

I.A.No.III filed by the applicant no.1 U/o 32 Rule 2 of CPC is hereby allowed.

Applicant no.1 is appointed as minor guardian of applicant no.2 and 3.

For amendment.

(Geethamani)
Addl. Senior Civil Judg & JMFC
Mudhol

ORDER ON IA IV

The proposed applicant no.2 and 3 filed this application U/o 8 Rule 1(3) of CPC praying to permit them proposed defendant no.14 to 16 produce the documents in the interest of justice and equity.

In support of their application they have filed affidavit stating that they are intending to produce some documents to shows they are the members of family of plaintiffs and defendants hence they sought permission to produce the documents.

Since there is no rival claim the plaintiff and defendants have not filed objections to this application, accordingly I proceed to pass the following....

ORDER

I.A.No.IV filed by the applicant no.14 to 16 U/o 8 Rule 1(3) of CPC is hereby allowed.

O.S.No.46/2022

They are permitted to produce the documents
which they have sought for.
call on 05.04.2023.

(Geethamani)
Addl. Senior Civil Judg & JMFC
Mudhol

O.S.No.46/2022