

ORDER ON I.A. No. I

1. The instant application has been filed by the learned Counsel for the proposed petitioner no.1B under Order I Rule 10(2) of the Code of Civil Procedure seeking to implead the proposed petitioner no.1B in the petition.

2. In the case on hand, the petitioner has not filed any objections to the said application.

3. I have heard the learned Counsel for the proposed petitioner no.1B.

4. After perusal of the records of the case, the following point would emerge for my consideration:

1. Whether the proposed petitioner no.1B is proper and necessary party?

2. To what order?

5. My findings to the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

6 **Point No.1:** In an affidavit accompanying with the application the proposed petitioner no.1B has stated that it is very necessary to implead her as a necessary party to adjudicate the matter and she is the legal heir of deceased grandfather Shivappa Baramagouar and the present petitioner no.1A has not made her as party to the petition even though she has the legal share in this compensation amount and accordingly, he prays to allow the application.

7. In view of contentions put forth by the proposed petitioner no.1B, now, let me see as to whether the presence of proposed petitioner no.1B is necessary for the just adjudication of the case. It is pertinent to note that whether the proposed petitioner no.1B is the legal heir of Shivappa Baramagoudru or not requires trial and at this stage it cannot be decided that she is not the legal heir of Shivappa Baramagoudru. It is pertinent to note that if this application is not allowed, the proposed petitioner no.1B will be put to untold hardship which cannot be compensated in terms of money and if this application is allowed no harm will be caused to the petitioner no.1A. Therefore, the presence of proposed petitioner no.1B is necessary for the just adjudication of the case. Accordingly, I answer this point in the Affirmative.

8. **Point No.2:** In view of my discussion made supra, I proceed to pass the following:

ORDER

I.A.No.I filed by the proposed petitioner no.1B under Order I Rule 10 of Code of Civil Procedure is hereby allowed and the petitioner no.1A is permitted to implead the proposed petitioner no.1B in the petition and he is permitted to amend the petition and furnish the amended petition.

(Sri. Hanamantarao R.Kulkarni)
Senior Civil Judge and JMFC.,
Hunagund.

ORDER ON I.A. No. II

1. The instant application has been filed by the learned Counsel for the petitioner under Order I Rule 10(2) of the Code of Civil Procedure seeking to implead the proposed respondent no.2 in the petition.

2. In the case on hand, even though the notice has been served on the proposed respondent no.2, he has not filed any objections to the said application.

3. I have heard the learned Counsel for the petitioner.

4. After perusal of the records of the case, the following point would emerge for my consideration:

2. Whether the proposed respondent no.2 is proper and necessary party?

2. To what order?

5. My findings to the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

6 **Point No.1:** In an affidavit accompanying with the application the petitioner has stated that it is very necessary to implead the proposed respondent no.2 as a necessary party to adjudicate the matter and accordingly, he prays to allow the application.

7. In view of contentions put forth by the petitioner, now, let me see as to whether the presence of proposed respondent no.2 is necessary for the just adjudication of the case. It is pertinent to note that even though the notice has been served on the proposed

respondent no.2, he has not come forward to file objections to the said application. It is pertinent to note that if this application is not allowed, the petitioner will be put to untold hardship which cannot be compensated in terms of money and if this application is allowed no harm will be caused to the proposed respondent no.2. Therefore, the presence of proposed respondent no.2 is necessary for the just adjudication of the case. Accordingly, I answer this point in the Affirmative.

8. **Point No.2:** In view of my discussion made supra, I proceed to pass the following:

ORDER

I.A.No.II filed by the petitioner under Order I Rule 10 of Code of Civil Procedure is hereby allowed and the petitioner is permitted to implead the proposed respondent no.2 in the petition and he is permitted to amend the petition and furnish the amended petition.

**(Sri. Hanamantarao R.Kulkarni)
Senior Civil Judge and JMFC.,
Hunagund.**