

ORDER ON I.A.No.II

I.A.No.2 is filed by plaintiff under Order 1 Rule 10(2) of C.P.C., to implead the proposed defendants in this suit.

2. It is stated that suit is for partition. Thimmanna Shetty left behind one son and 3 daughters. They are the defendant No.1 and proposed defendants. They are the legal heirs of Thimmanna Shetty. Hence, they are proper and necessary parties. At the time of filing of suit, plaintiff could not give details of daughters of Thimmanna Shetty. Recently, plaintiff traced the names and address of proposed defendants. Hence, it is necessary to allow the application since plaintiff has good case on merits.

3. Proposed defendant No.11 has filed objection. Other proposed defendants have not filed objection. It is stated that application is not maintainable. Plaintiff has no locus standie to file the suit and application. It is filed at belated stage. Proposed defendants are not proper and necessary parties. Suit was decreed in the year 2014. Appeal was filed. After Judgment in R.F.A., suit was remanded for fresh disposal. As an afterthought, plaintiff has filed application and it is barred by Law of limitation. Hence, it is prayed to dismiss the application.

4. Heard both and perused the materials on record.

5. The plaintiff has filed the suit for the relief of partition seeking share in respect of suit properties. Present application is to bring legal representatives of Thimmanna Shetty. Defendant No.1 is already on record. In the objection, the relationship is not disputed. It is stated that to drag the proceedings and at belated stage, application is filed. Only on the basis of that ground, application can't be rejected. There are grounds in the application and this is Partition suit. All the joint family members are to be impleaded as they are proper and necessary parties. If the application is allowed, proposed defendants will come on record and share will be determined properly in case of decree of the suit. Otherwise it will lead to multiplicity of proceedings. Hence, I pass the following:

ORDER

I.A.No.2 filed under Order 1 Rule 10(2) of C.P.C., by plaintiff is hereby allowed.

For impleadment and amended
plaint by 01.09.2025.

Sd/-

(Lokesha.M.G.)

**I Addl Sr.Civil Judge & Jmfc.,
Devanahalli.**