

OS NO. 4/18

Parties absent. Notice issued to proposed defendant no.9(f) by way of speed post has been refused by him. Service held to be deemed serviced. Proposed defendant no.9(f) called out absent. No representation is made on her behalf. Hence objections of proposed defendant no.9(f) to I.A.No. 19 to 21 is taken as nil.

Heard arguments. Perused records.

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I.A.No. 16 to 18 are filed by the plaintiff U/o 22 Rule 4 R/w Sec 151 of CPC, U/o 22 Rule 9 R/w Sec 151 of CPC and U/sec. 5 of Limitation Act respectively seeking impleadment of the proposed defendant nos.9(a) to 9(e).

The proposed defendant nos.9(a) to 9(e) appeared before this court through their counsel and filed their objections to

I.A.No. 16 to 18 contending that another daughter of deceased defendant no.9 Dodda Rudrappa by name Umadevi w/o Revanna has not been shown in the application. On these grounds and such others it is prayed for dismissal of the I.A.No. 16 to 18.

Thereafter the plaintiff came up with I.A.No. 19 to 21 U/o 22 Rule 4 R/w Sec 151 of CPC, U/o 22 Rule 9 R/w Sec 151 of CPC and U/sec. 5 of Limitation Act respectively seeking impleadment of the proposed defendant no.9(f).

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Heard arguments. Perused records.

The suit of the plaintiff is one for the relief of partition and separate possession and for declaration and permanent injunction.

The factum of death of defendant no.9 is not in dispute. It is also not in dispute that the proposed defendant no.9(a) to

9(f) are the only legal heirs of the deceased defendant no.9. Though initially the name of proposed defendant no.9(f) was not shown under I.A.No. 16 to 18, her name was shown under I.A.No. 19 to 21. Considering the nature of suit, the right to sue of the plaintiff survives against the proposed defendant nos.9(a) to 9(f). Their presence is necessary for just and complete adjudication of dispute between the parties. Thus for these reasons this court is of the considered opinion that the applications filed by the plaintiff deserves to be allowed.

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In the light of foregoing discussions, this court proceeds to pass the following

ORDER

I.A.No. 16 to 18 filed by the plaintiff U/o 22 Rule 4 R/w Sec 151 of CPC, U/o 22 Rule 9 R/w Sec 151 of CPC and U/sec. 5 of Limitation Act respectively are hereby allowed.

I.A.No. 19 to 21 filed by the

plaintiff U/o 22 Rule 4 R/w Sec 151 of CPC, U/o 22 Rule 9 R/w Sec 151 of CPC and U/sec. 5 of Limitation Act respectively are also hereby allowed.

The plaintiff is permitted to bring the proposed defendant no.9(a) to 9(f) on record.

The plaintiff shall carry out amendment of the plaint accordingly within the period of 7 days and shall file amended plaint by next date of hearing.

For submission of amended plaint and for hearing on I.A.No. 8 by 12.08.2026

Prl. Senior Civil Judge & JMFC.,
Challakere.