

Orders on I.A No.11

The petitioner Srinivasa Gupta filed this application U/o.1 R.10(2) of CPC to implead the schedule 15 persons as respondent No.9 to 23, on the ground that, they are all necessary and proper party to the case. As such prayed to allow the application.

The petitioner has taken steps against the proposed respondents. Sri.TDK has appeared for proposed respondent No.11 and 13 to 15, Sri.G.C has appeared for proposed respondent No.10. The learned advocate said no objection to this application, but other proposed respondents despite service of notice remained absent. As such I have heard the learned advocates and perused the records.

The top noted case has been fled by the petitioner for allotment of 1/12th share declared by this court in O.S.154/1986. It is relevant to note

here that, the said suit was dismissed on 23.04.1993 by the learned Sr.Civil Judge, Chitradurga. However the said finding has been reversed by Hon'ble High Court of Karnataka in RFA NO.397/1995 and declared that, the petitioner is entitled for 1/12th share.

The petitioner contended that, by mistake he did not include the proposed R.9 to R.23 since they are having a share in petition schedule properties as such they are necessary parties to the case.

It appears that, one Lakshmipathi Setty is survived by 6 sons and 6 daughters including the proposed respondents. Therefore the proposed respondents are necessary and proper parties to the case. Hence the application is deserved to be allowed. In the result following:

Order

I.A.No.11 filed by the petitioner
U/o.1 R.10(2) of CPC is allowed.

Consequently the petitioner is permitted to implead proposed respondents by amendment as respondent No.9 to 23 within 7 days from this order and shall furnish A/P also. For compliance by 07.02.2024.

Sr. Civil Judge & JMFC.,
Hiriyur.