

IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC.,

HIRIYUR

Present :- Smt. Sujatha Suvarna B., B.Com., LL.B.,

Senior Civil Judge and JMFC, Hiriya

Dated this the 7th Day of July 2026

O.S. No. 149/2023

Plaintiff : M.K.Shruthi,

(Rep.By Sri.M.S.B., Advocate)

V/s

Defendants : D.Pandurangappa & Others

(Def.no.1 to 3, 6,

7 to 12 Rep.By Sri.B.N.T., Advocate)

(Def.no.4,5 – Exparte)

RANK OF THE PARTIES ON IA NO.IV

Applicant / plaintiff : M.K.Shruthi

V/s

Opponent / defendant : D.Pandurangappa &

others

i	Provision under which the application is filed	IA No.4 U.O 1 R. 10(2) of CPC
ii	Relief sought for	Implead the parties
iii	The date on which the application is filed	04.06.2025
iv	Number of the application	4

v	The date on which the objections are filed by different opponent	19.06.2026
vi	The date on which the orders were passed on the said application	07.07.2026

ORDER ON IA NO.IV

The plaintiff filed IA No.IV under order 1 Rule 10(2) of CPC and prays to permit them to implead the proposed defendant No.1 to 5 as defendant No.8 to 12 in the plaint.

2. In support of this application the 1st plaintiff has filed affidavit and stated as follows;

The plaintiff filed suit against the defendant for partition and separate possession and proposed defendants are enjoyed the said property and khatha stands in the name of proposed defendant. The proposed defendants are very much necessary to proceed with the case. Hence, allow the application.

3. Per contra the proposed defendant No.8 to 12 have filed objection and stated that, they are not necessary parties in order to adjudicate the said fact. Hence, prayed to reject the application.

4. Heard the arguments.

5. The points that arise for my consideration is as follow :

1. Whether the proposed amendment is just and necessary to decide the controversy between the parties ?

2. What order ?

6. My answer to the above points are as follows :

Point No.1 - In the affirmative

Point No.2 - As per the final order,
for the following

REASONS

7. **Point No.1** : The plaintiffs have filed suit against the defendants for partition and separate possession.

It is the contention of the plaintiffs that due to mistake they are included the necessary party in the suit and the presence of the proposed defendant is just and necessary to decide the controversy between the parties and they have legitimate share in the schedule property.

Order 1 Rule 10 of the CPC empowers the court to add a person who ought to have been joined or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon the settle all the questions involved in the suit. Necessary parties are those persons in whose absence no decree can be passed by the court or that there must be a right to some relief against some party in respect of the controversy involved in the proceedings and proper parties are those whose presence before the court would be necessary in order to enable the

court effectually and completely to adjudicate upon and settled all the questions involved in the suit although no relief in the suit was claimed against such person.

8. The plaintiffs have produced the RTC bearing Sy.No.102/10 which stands in the name of Korappa, Pandappa, Sumangala, Shruthi, Suresh, Bhagyamma, Meenakshi, Sannamma, Thimmanna, Govindappa, Vinodamma, Rangayya, Shivanna. Hence at this stage, the presence of proposed defendant No.8 to 12 are just and necessary to decide the controversy between the parties to the suit. Accordingly, point No.1 is answered in the **Affirmative**.

8. **Point No.2** :- In view of the findings on the above point, I proceed to pass the following:

ORDER

IA No.IV filed by the plaintiff under Order 1 Rule 10(2) of CPC is hereby allowed.

The plaintiff is permitted to implead the proposed defendant No.1 to 5 as defendant No.8 to 12

(Dictated to the Stenographer directly on the computer, corrected, initialed and then pronounced by me in open court on this 7th day of July 2026)

(SUJATHA SUVARNA B.),
Senior Civil Judge & JMFC.,
Hiriyur.