

**IN THE COURT OF THE CIVIL JUDGE AND ADDITIONAL  
J.M.F.C., AT TARIKERE**

**Present** : SMT.PAVITHRA.M.D, B.A., LL.B.,  
Civil Judge & Addl.JMFC. Tarikere.

**OS.No.25/2019**

**Dated: 03-11-2020**

**ORDERS ON I.A**

The applicant has filed this application U/Or.1 Rule 10(2) R/w Sec.151 of CPC to implead her as defendant No.6.

2. It is averred in the affidavit annexed to the application that, she is the daughter of defendant No.2 and suit schedule properties are ancestral and joint family properties of the plaintiff and defendant No.1 to 4. Her father is in habit of drinking alcohol and after the marriage, her mother led her marital life along with 2<sup>nd</sup> defendant only for a period of one year at Koranahalli village. Defendant No.2 is in habit of heeding all the advice of other defendants and all the efforts made in panchayath to settle the dispute between defendant No.2 and her mother went in vain. Hence, her mother is living in Beekanahalli village, Chikkamagaluru Taluk along with the present applicant. She came to know that, defendant No.2 in collusion with defendant No.3 and 4 got divided the suit schedule properties in the absence of the plaintiffs and the present applicant with an intention to defraud from her legitimate share. The plaintiffs have challenged the partition deed and the applicant has got her

legitimate share in the suit schedule properties. Hence, it is necessary to implead her as defendant. Hence, this application.

3. The plaintiffs counsel has orally objected the application.

4. Heard on application.

5. Perused the application in the backdrop of materials available on record. The plaintiffs have filed the instant suit for partition and separate possession of their share in the suit schedule property. It is the stand of the applicant that, she is the daughter of defendant No.2 and hence, she is necessary party to the present suit. Whether the applicant has got share in the suit schedule property is the matter to be consider on merits. The plaintiffs have not disputed the relationship of the applicant along with defendant No.2. Hence, in a suit for partition, all the co-sharers must be a parties to the suit. Wherefore, for effective adjudication of the matter dispute, it is necessary to implead the applicant as party to the suit. Hence, in the interest of justice and to avoid multiplicity of proceedings, I proceed to pass the following:

**ORDER**

The application filed under Order 1 Rule 10(2) R/w Sec.151of C.P.C is hereby allowed.

The applicant is hereby impleaded as defendant No.6.

To carry out amendment and amended  
plaint by 25.11.2020.

*Sd/-*

**(PAVITHRA.M.D )  
CIVIL JUDGE AND  
ADDL.J.M.F.C., TARIKERE.**