

ORDERS ON IA No.2 & 3

The counsel for respondent filed application No.3 U/O 9 Rule 7 R/w Sec. 151 CPC and prays to set-aside the exparte order passed against the respondent.

Per contra advocate for petitioner submits that, there is no objection to the application. For the proper adjudication of the matter the IA filed by respondent is hereby allowed.

Further, the counsel for proposed respondent No.2 filed IA No.3 U/o.1 Rule 10(2) R/w Sec.151 CPC and prays to implead her as a respondent No.2 as mentioned in the schedule of the application. There is no objection to the IA from other side.

It is worth to note that, a necessary party is one, in whose absence the court cannot pass an effective award at all. Proper party is one whose presence before court is necessary to ensure that all matter in dispute are effectually or completely determine. The proposed respondent contended that she is wife of 1st respondent, hence she is necessary party to the proceedings, if proposed respondent is not made as party in the above case, the very purpose of the filing of the above petition. Furthermore, the proposed respondent is stated as she is wife of 1st respondent and hence she is the necessary party to the present proceedings. Therefore I proceed to pass the following:-

ORDER

Interim Application No.3 filed by the proposed respondent under Order 1 Rule 10(2) R/w Sec.151 of C.P.C. is hereby allowed.

Further petitioner are hereby directed to implead the proposed respondent as respondent No.2 by way of amending the cause title of the petition. To carryout the amendment and to file amended petition by 13-03-2026.

***(Reshma H.K.)
Pri. SCJ & CJM,
Davanagere.***