

Case called out. Sri. S.M. advocate filed vakalath on behalf of respondent No.2.

Further, Sri.N.C.L., advocate filed vakalath on behalf of proposed respondent No.5 and filed application U/o. 1 Rule 10(2) CPC and permit to implead the proposed respondent as respondent No.5 as mentioned in the petition. There is no objection to other side.

It is worth to note that, a necessary party is one, in whose absence the court cannot pass an effective decree at all. Proper party is one whose presence before court is necessary to ensure that all matter in dispute are effectually or completely determine. As stated above in the present petition, petitioner seeks compensation due to loss sustained in the alleged accident. The proposed respondent No.5 being the mother is the proper and necessary party to the present petition. Therefore I proceed to pass the following:-

ORDER

Interim Application filed by the proposed respondent No.5 under Order 1 Rule 10(2) R/w Sec.151 of C.P.C. is hereby allowed.

Further petitioner is hereby permit to implead the proposed respondent as respondent No.5 by way of amending the cause title of the petition. To carryout the amendment and to file amended petition.

Further, the proposed respondent No.5 filed another application U/o 1 Rule 10(2) of CPC to impled the respondent No.3 & 4 as respondent.

Issue notice to respondent No.3 & 4 as mentioned in the application schedule by

***(Reshma H.K.)
Prl. Senior Civil Judge
and CJM., Davanagere.***