

KADG220002052018



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
& JMFC., AT CHANNAGIRI**

:Present:

Kum.Shama Srivatsa.

LL.M

**Prl. Civil Judge & JMFC,
Channagiri.**

Dated this the 6th Day of September 2025.
O.S.No. 45/2018

Plaintiffs : C.L.Siddappa & Others .
V/s

Defendant : M/s. TUMCOS Ltd. & another

I.A.No.XXVII

Applicant:- C.L.Siddappa & Others
V/s

Respondents:- M/s. TUMCOS Ltd. & another

ORDER ON IA NO.XXVII

Applicant filed this instant application in order to implead the proposed Plaintiffs No. 4 and 5 .

2. SOME AND SUBSTANCES OF THE AFFIDAVIT.

Applicants asserts that, suit is filed for the relief seeking declaration against the defendants. While arguing the matter it came to knowledge of plaintiffs counsel that, plaintiff's No.1 sisters were not made as parties to the suit as it is filed to seek

declaration of ownership on the suit schedule property. Plaintiffs sister as mentioned in the application at proposed plaintiff's No. 4 and 5 are proper and necessary parties to the suit. Plaintiffs were unaware of the law that while seeking the relief of declaration all family members has to be made as parties to the suit. One of their sisters by name Smt. C.L.Seetama dies without any issues on 15-10-2018. thus made only left daughters made as necessary and proper parties to the. Thus , we pray to allow this application in the interest of justice.

3. STATEMENT OF OBJECTIONS FILED UNDER:

On the other hand, defendant contended that, proposed Plaintiffs' No. 4 and 5 is not at all necessary as the suit is not filed for the relief of partition and separate possession against the defendants herein. During the cross examination of Sri. Siddappa clearly admitted that, defendants are causing any interference in the plaintiffs property. Under such circumstances filing his application for impleading the plaintiffs no. 4 and 5 is not tenable under law. Moreover the court commissioner has submitted his report wherein the plaintiffs filed objection to reject the report . Plaintiff only to cause delay in proceedings filed this frivolous application. Hence prayed to dismiss the application .

4. Based on the statements set forth by the proposed plaintiff and the defendants, the following points arise for my consideration;

POINTS

1. Whether the presence of proposed plaintiff No. 4 and 5 are necessary to decide the lis of the parties effectually and completely?

2. What order?

5. Heard the learned counsels appearing for the plaintiff and the proposed defendant No.11. Perused the records. On perusal of

the same my findings to aforesaid points as under:

POINTS

Point No.1 : In the Affirmative

Point No.2 : As per the final order

for the following,

REASONS

6. **Point No.1:-** Plaintiffs have filed the instant application on the ground that, proposed plaintiff No. 4 and 5 are sisters of them and are necessary parties to the present suit for effective adjudication of the suit.

7. On the other defendant contended that, suit is for the relief of Declaration and the proposed plaintiff No. 4 and 5 as to this suit is not necessary. Thus prayed to dismiss the application.

8. I have heard both counsels appearing for Plaintiffs and defendants. Perused the documents. On perusal it is evident that, proposed plaintiff No. 4 and 5 are sisters of plaintiffs and there is no dispute regarding the relationship. It is well settled principles of law that while declaring the rights in property all necessary members of the family must be made as parties to the suit in order to avoid the multiplicity of the suit. In the case on hand as plaintiffs stated that suit is for the relief of declaration of ownership making all members of the family is evident to avoid multiplicity of suit and moreover to seek their share in the property. If the proposed plaintiff No. 4 and 5 were not made as part to this suit they might lose locus to claim their share in future and which leads to multiplicity of the suit. Thus, for effective adjudication the present suit it is just and necessary to implead the proposed plaintiff No. 4 and 5 and plaintiffs No. 4 and 5 in the suit. I find no impediment if the application is allowed as the defendants at liberty to file their

addition statements if the proposed plaintiffs no, 4 ad 5 files any additional plaint in support of their case. **Accordingly Point No. 1 held in the Affirmative .**

9. **Point No.2**:- As a result, this court proceeds to pass the following.

ORDER

The IA.No.XXVII filed Under Order 1 Rule 10 (2) of CPC is hereby allowed.

Consequently the Proposed proposed plaintiff No. 4 and 5 are hereby permitted to come on record as plaintiff No. 4 and 5 .

For amendment and amended petition.

(Typed by me on laptop, printout taken by Stenographer, and corrected by me and then pronounced in the open court on this the **6TH day of September, 2025**)

Sd/-

(Shama Srivatsa)

Prl. Civil Judge & J.M.F.C.

Date: 06.09.2025

Place:Channagiri.

Channagiri.