

**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE
AND JMFC., PUTTUR**

Present :- Shri. Devaraj. Y.H B.A.L., LLB.

Addl. Senior Civil Judge & J.M.F.C., Puttur.

Dated this the 22nd Day of JULY-2025

O.S. No.22/2013

PLAINTIFF: Shri. Keshava and others
V/s

DEFENDANTS: Sri. Shidhar Poojary and others.

IA NO.XXII

APPLICANT: Shri. Keshava and others

V/s

OPPONENT: Sri. Shidhar Poojary and others

**ORDERS PASSED ON THE IA.XXII FILED BY THE
APPLICANT/PLAINTIFFS UNDER ORDER 1 Rule 10(2) AND
SECTION 151 OF CPC**

Plaintiffs filed this IA and prays to implead the proposed defendant No.22 and 24 in this suit.

2. In support of the IA plaintiff No.1 filed affidavit and stated that the suit is filed against the defendants seeking for the

relief of partition. It is stated that in the written statement of defendant No.18 and 19, they have specifically contended that late Muttappa Poojary had got 7 children who were also members of the undivided joint family and they are the necessary parties to this suit. It is stated that in order to avoid technicality, the proposed defendants are to be impleaded as parties to this suit. Hence prays to allow the IA.

3. Notice on IA No.22 issued against the proposed defendants. They have appeared through their advocate and filed memo and adopted the written statement of defendant No.18. They have not filed any objections to the IA No.22. By considering the memo filed by the counsel for the proposed defendants dated 04-01-2025 with regarding to adopt of the written statement of the defendant No.18 by the proposed defendant, it can be inferred that the proposed defendants are not having any objections to consider the IA filed by the plaintiffs and grant the relief as prayed for.

4. Heard on IA No.22. Perused the IA and material particulars available on record, below mentioned points arisen for my consideration.

POINTS

1. Whether the Applicant/ plaintiffs made out grounds to consider the IA filed under order 1 Rule 10(2) and Section 151 of CPC and grant the relief as prayed for ?

2. What Order?

5. Perused the pleadings and the documents available on record. My findings to the above points is as hereunder.,

Point No.1 : In the Affirmative.
 Point No.2 : As per the final order for
 the following.,

REASONS

6. Point No.1: Counsel for the plaintiffs filed this IA and prays to implead the proposed defendants as defendant No.20 to 24 in this case. It is stated that deceased Muttappa Poojary had got 7 children and out of them defendant No.18 and 19 were already made as parties to this suit. It is stated that the proposed defendants are the proper and necessary parties to this suit. Hence prays to allow the IA.

7. This suit is filed by the plaintiffs against the defendants and sought for the relief of partition and separate possession with respect of the suit properties and for mesne profits. It is the contentions of the plaintiffs that plaintiffs as well Late Hukrappa, late Somu Hengsu, late Muttappa Poojary and late Sesappa Poojary constitute the members of undivided aliya santhana Billava Family governed by aliya santhana law of inheritance. As per the pleadings, it is stated that late Muttappa Poojary had got 7 children and the proposed

defendants were also children of deceased Muttappa Poojary as such they are the proper and necessary parties to this suit.

8. Notice on IA No.22 issued against the proposed defendants. They have appeared through their advocate and filed memo and adopted the written statement of defendant No.18. They have not filed any objections to the IA No.22. By considering the memo filed by the counsel for the proposed defendants dated 04-01-2025 with regarding to adopt of the written statement of the defendant No.18 by the proposed defendant, it can be inferred that the proposed defendants are not having any objections to consider the IA filed by the plaintiffs and grant the relief as prayed for. Since there is no dispute with regarding to relationship of the proposed defendants with the deceased Muttappa Poojary, by taking note of the relief claimed by the plaintiffs in this suit, this court opines that the proposed defendants are the proper and necessary parties to this suit and their presence is required to adjudicate the real controversy between the parties to this suit. If this IA is allowed no harm or injustice is going to be caused to the proposed defendants. With all these discussions I proceed to answer Point No.1 in the affirmative.

9. **Point No.2:** For the reasons as discussed in Point No. 1, I proceed to pass the following.,

ORDER

IA No.XXII filed by the
Plaintiffs under Order 1 Rule

10(2) and Section 151 of CPC is allowed.

Proposed defendants are impleaded as defendant No.20 to 24 to this suit.

Counsel for the plaintiff is directed to add the name of the proposed defendants as defendant No.20 to 24 in the plaint and carry out the amendment accordingly.

(Dictated to the Typist, typed by her, corrected and then pronounced in the Open Court on this 22nd day of July -2025)

(Devaraj.Y.H.,)
Addl. Senior Civil Judge & JMFC,
Puttur, D.K.