

**IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE AND
CJM, DHARWAD**

PRESENT

Sri. Venkatesha Naika V, B.Com., LL.B.
I Addl. Senior Civil Judge & CJM.,
Dharwad.

O.S. No.134/2022

Dated this 03rd day of June, 2026

PLAINTIFF : Smt. Chaya W/o. Anand Yadawad

(By Sri J.B.P., Adv.,)

-Vs-

DEFENDANTS : Smt. Sukannya W/o. Prakash Badiger
and others.

***(D-1 By Sri D.H.C.,
D-2, 4-6 By Sri. M.B.P., Adv.
D-3 exparte.)***

Parties to I.A. No.XX

Applicant / : Smt. Sukannya W/o. Prakash Badiger
Def-1

-Vs-

Opponent / : Smt. Chaya W/o. Anand Yadawad
Plaintiff

<i>Provision under which the application is filed</i>	: U/o. I Rule 10(2) R/w. Sec.151 of CPC
<i>Relief sought for</i>	: To implead the proposed defendant
<i>The date on which the application is filed</i>	: 27.03.2026
<i>Number of the application</i>	: XX
<i>The date on which the objection are filed by different opponents</i>	: 01.04.2026
<i>The date on which the orders were passed on the said application</i>	: 03.06.2026

ORDER ON I.A. NO.XX FILED U/O. I RULE 10(2) OF CPC.

The defendant No.1/applicant has filed the present application with a prayer to implead one Sanjeev Kammar, aged about 60 years, R/o. Shree Kalika Nivas, House 25/72, Shree Nagar, Shekti colony, Dharwad as defendant for determination of the suit property. The presence of the said person is very much necessary for effective adjudication of the suit.

2. In the affidavit annexed with the application, wherein the applicant stated that the present suit is instituted by the plaintiff against the defendants and now impleading of one Sanjeev Kammar is very much essential in the present suit. Impleadment of Sanjeev Kammar as a party to the suit is necessary for the confirmation of the possession of the Sy.No.1 measuring 0.29 gunta, Sy.No.125 measuring 0.11 gunta and Sy.No.126 measuring 0.6 gunta. The above three lands are situated side by side the existence of all the properties are well known by said Sanjeev Kammar. Therefore, for determination and confirmation of the existence of suit lands, it is just and necessary to implead Sanjeev Kammar as a party to the suit. If the application is allowed no hardship will be caused to other side. If the application is not allowed the applicant will be prejudiced. Hence, on aforementioned grounds prays to allow the application.

3. The application is resisted by the plaintiff filing a detailed objection contending that the application filed by the applicant is not maintainable either in the eye of law or on facts. Hence, the application deserves to be dismissed. The facts narrated in the affidavit annexed with the application are specifically and emphatically denied. The applicant willing to implead a mediator Sanjeev Kammar in the present suit as a party. The reasons and grounds for impleading of Sanjeev Kammar as a party to this suit cannot sustainable in the eye of law. The present application is filed at belated stage. Now the matter posted for arguments on merits, at this juncture the present application to implead Sanjeev Kammar the person who has no nexus with the suit property. Viewed in many angels the present application not sustainable. Hence, prays to reject the same with cost.

4. Heard both sides.

5. Perused the available materials.

6. The following points arise for my consideration are hereunder.

1) Whether the presence of proposed defendant is necessary for effective adjudication of the suit?

2) In the absence of proposed defendant suit cannot be adjudicated effectively and judiciously?

3) What order?

7. The findings to the above points are here under ;

Point No.1 : In the Negative,

Point No.2 : In the Negative,

Point No.3 : As per the final order

for the following;

: R E A S O N S :

8. **Point No.1 and 2:** *Since these points are inter-related to each other thus, to avoid repetition, both the points taken together for common discussion.*

9. The present suit is one for declaration, recovery of possession, and mandatory injunction instituted by the plaintiff against the defendants. The materials available on record did indicates that the trial of the lis was concluded and the matter stood for arguments on merits. At the fog-end of litigation the applicant trying to implead a person who was acted as a mediator. The pleadings on record goes to show that there was no nexus of Sanjeev Kammar with the suit properties. On meticulous observations of the affidavit annexed with the application the applicant has not stated and explained the nexus of the proposed defendant or having right and interest over the suit properties. No documentary evidence placed on record to consider the application. The facts narrated in the application itself indicates that the proposed defendant appears to be mediator. Such being the facts, the mediator or conciliator or any person who are not having right, title and interest in or over the suit properties cannot be considered as a

necessary parties. Further it is pertinent to note that no relevant documents has been produced by the applicant to convince the Court that how the presence of proposed defendant is necessary for effective adjudication of the suit. It is pertinent to note that the grounds urged in the application are not fallen within the purview of Order I Rule 10 of CPC. In this context the applicant has not tried to produced any materials that may be supports to the contents of the applicant. The term 'necessary parties' in the case was /is that the person who had a legal right in disputed properties. In this case the applicant has not produced any documents that speaks about the nexus or having right in or over the suit properties by the proposed defendant. Further it is pertinent to note that the Court framed a relevant issues based on the pleadings and trial was concluded and at the fog-end of the litigation the present application is filed by the applicant by knowing well that the presence of mediator have no role for effective adjudication of the suit and to decide the real controversy between the plaintiff and defendants in respect to the suit schedule properties.

10. From over all consideration of the material on record coupled with the provision of law, I am of the view that the applicant/Defendant No.1 miserably failed to convince the Court with an aid of reliable material to justify her assertions in the application.

11. On the basis of available materials the Court can adjudicate the matter effectively and judiciously even in the absence of proposed defendant.

12. From over all consideration of the facts, I am of the view that the applicant failed in her attempt to convince the Court having regard to maintainability of application. Hence, in my considered view the application is not sustainable and the presence of proposed defendant seeks not necessary for effective adjudication of the suit. Hence, **Point No.1 and 2** are answered in the **Negative**.

13. **Point No.3:** As per the reasons recorded in the aforementioned paragraphs, I would like to pass following;

: O R D E R :

***I.A.No.XX filed by the applicant/
defendant No.1 U/o. I Rule 10(2) R/w.
Sec.151 of CPC., is hereby rejected on
cost of Rs.100/-.***

*(Dictated to the stenographer, transcription typed by her, corrected by me
and order is pronounced in the open court on the 03rd day of June, 2026).*

(Venkatesha Naika V.)

I Addl. Senior Civil Judge & CJM.,
Dharwad.