

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., HUBBALLI

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.

Ex. No.155/2023

Dated this the 15th day of June, 2026

Petitioner/s : Vittalsa Nagusa Pawar
by his GPA holder Sandya W/o
Parashuram Dharmadas.

.Vs.

Respondent/s : President
Ambica Grah Nirmana Sahakari
Sanga Ltd., and another.

PARTIES TO I.A. No.IV

Applicant : Vittalsa Nagusa Pawar
by his GPA holder Sandya W/o
Parashuram Dharmadas.

.Vs.

Opponent : President
Ambica Grah Nirmana Sahakari
Sanga Ltd., and another

- i. Provision under : Under Order I Rule 10(2)
which application is R/w Sec.151 of CPC
filed
- ii. Relief sought for : Seeking to implead Co-
operative Development
Officer, Hubballi-Division,
Hubballi mentioned in the

*I.A. as Judgment Debtor
No.3 in the petition.*

- iii. The date on which : 10.07.2024
application is filed*
- iv. Number of the : IV
application*
- v. The date on which : 22.08.2024
objections are filed
by different
opponents*
- vi. The date on which : 15.06.2026
orders were passed
on the said
application*

ORDERS ON I.A. No.IV

The decree holder has filed this I.A. under Order 1 Rule 10(2) r/w. Section 151 of C.P.C. seeking to implead Co-operative Development Officer, Hubballi-Division, Hubballi mentioned in the I.A. as Judgment Debtor No.3 in the petition.

2. The counsel for Sri. Raghunathsa N. Shiralkar has filed objections to the said I.A.

3. Heard. perused the pleadings and materials placed on record.

4. The point for consideration are

- 1. Whether the proposed party is
necessary party to the suit?*
- 2. What order ?*

5. The above point No.1 is answered in the Negative, and point No.2 as per final order, for the following:

REASONS

6. **Point No.1:** In the affidavit in support of the present application it is stated that, recently Decree Holder came to know that Ambica Grah Nirmana Sahakari Sanga Ltd., Ambica Nagar, Unkal, Hubballi has been liquidated and the proposed Judgment Debtor is appointed as Liquidator. Hence, the proposed Judgment Debtor No.3 is also a necessary party for the settle of his claim and at this point of time it is proper to implead the proposed judgment debtor in this matter, otherwise the filing of this petition becomes infructuous. If the said person is not brought on records he will be put to untold hardship and great prejudice will be caused to him. On the contrary no loss or prejudice will be caused to the other side. Hence, prayed to allow the I.A.

7. On the otherhand, the counsel for Shri. Raghunath Ningusa Shiralkar filed objections and contended that the present application is totally false, frivolous and vexatious and the same is not at all maintainable in law or on facts. It may be seen that the JDR No.1 Society was liquidated and administrator was appointed before the award was passed, and much before that this R. N. Shiralkar was removed as the Chairman/President of Society.

Inspite this facts, the DHR has deliberately Court notice served on Shri. R.N. Shiralkar personally only with an intention to cause loss, injury and harassment to him. The award was passed before which date this Shri. R.N. Shiralkar had handed over the charge to the Administrator – liquidator appointed by ARCS Dharwad. The Society in the name of Ambika Co-operative Housing Society Ltd. and was liquidated under an Order of JRCS much before the order of award therefore the petition itself is not maintainable, and for the same reasons present application is also not maintainable. Hence, prayed to dismiss the I.A.

8. *On perusal of the entire records, it is noticed that the Decree Holder has filed a present application under Order I Rule 10 (2) R/W Section 151 of CPC seeking to include the Co-operatives Development Officer. The liquidator of Ambika Grahanirmana Sahkari Sangha as a party to the proceedings. The learned counsel for the applicant contended that the applicant recently came to know that Ambika Grahanirmana Sahkari Sangha has been placed under liquidation and that the proposed party is functioning as its liquidator. Hence according to the applicant, the proposed party is a necessary party for effective adjudication and settlement of the claim.*

9. *Per contra, the proposed party has filed objections contending that the society had already*

been liquidated and an administrator or liquidator had been appointed much prior to the passing of the award. It is further contended that Sri R.N.Shiralkar had been appointed but Removed from the office of president/ chairman long before the award and had handed over charge to the administrator or liquidator. Therefore, it is contented that present application is not maintainable.

10. On perusal of the documents produced, particularly the order passed by the competent authority, it is evident that he was removed from the management of the society with effect from 01.06.2012 and was disqualified from holding any office in the society for a period of 5 years from the date of removal. The records further disclose that the affairs of the society were thereafter administered by the competent authorities appointed under the provisions of the Karnataka Co-operative Societies Act.

11. Under Rule 10 (2) CPC empowers the Court to add a person whose presence is necessary for effective and complete adjudication of the questions involved in the proceedings. In the present case, The material placed on record does not disclose that the proposed party was holding any office or was representing the society on the date of the award or thereafter. Therefore, his impleadment in his personal capacity cannot be said to be necessary for effective

adjudication of the present proceedings. Accordingly if the evidence clearly establishes that he had been removed long before the award and had no role in representing the society, thereafter the application under Order I Rule 10(2) CPC to include him personally may not deserves to be allowed unless the applicant establishes some independent legal basis showing how he is necessary or proper party to the proceedings. the material on record indicates that the present party is not the necessary or proper parties to the proceedings.

12. in such circumstances this Court is of the opinion that the application filed by the DHR is deserves to be dismissed. Hence, I answer the **point No.1 in the Negative.**

13. **Point No.2:-** In view of the aforesaid reasons, I proceed to pass the following;

ORDER

The IA No.IV filed by the Decree Holder
under Order I Rule (10) 2 R/w Sec.151 of
CPC is hereby dismissed.

No order as to costs.

(Dictated to the Stenographer directly on computer, script corrected
and then pronounced by me in the Open Court on this the **15th day of
June, 2026**)

sd/-

(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.