

KADW400002892020



IN THE COURT OF CIVIL JUDGE & JMFC.,

KUNDGOL

PRESENT

Smt. Gayatri. B.Com., LL.M., (IPR)
Civil Judge & JMFC, Kundgol.

Dated 17th day of July 2023

O.S. No.39/2020

PLAINTIFF : Smt. P.P. Bendigeri.

-V/s-

DEFENDANTS : Sri. N. V. Hubballi and another.

IA. No.6

APPLICANT : Smt. Nagaratna Kallappa Horatti
and others.

-V/s-

OPPONENTS : Sri. P.P. Bendigeri.

ORDER ON I.A. NO.6

Applicants have come up with present application U/O.I Rule 10(2) of C.P.C. seeking permission of this court to come on record as defendant No.6 to 8 as they are proper and necessary parties in the above case.

2. Per contra, learned counsel for respondent/ 1st defendant has filed detailed objections and prayed for dismissal of application with exemplary cost.

3. Heard and perused.

4. Applicants by virtue of the present application have sought for impleading them as defendant No.6 to 8. It is the allegation of the applicants that they are the daughters of 1st defendant. Plaintiff is the daughter of Late. Veerappa brother of defendant No.1 and 2. The plaintiff being the daughter of Late. Veerappa has filed present suit against defendants for the relief of partition and separate possession. The proposed defendants are the daughters of defendant No.1 as such are necessary parties. Hence, prayed for allowing the application.

5. Per Contra, learned counsel for respondent/ 1st defendant has filed detailed objections denying application averments and prayed for dismissal of the application.

6. On carefully perusal of the suit file, by looking in to the nature of relief claimed by the plaintiff it is clear that, the parties to the suit are Hindus. Governed by the Hindu Law and are entitled for share in the property allotted towards the share of 1st defendant. Moreover, present suit has been filed by the daughter of Late. Veerappa, who in turn is brother of defendant No.1 and 2. Plaintiff has filed present suit without impleading 1st defendants daughter. Though there is a detailed

objections filed by the 1st defendant, it is settled Law that there cannot be a partial partition, as such this court without discussing in detail as to the objections filed by the respondent holding proposed defendants just and necessary parties to the suit without further discussion this court proceeds to pass the following:

ORDER

IA No.6 filed by applicants/ proposed defendant No.6 to 8 U/O. I Rule 10(2) of C.P.C is hereby allowed.

No order as to cost.

Proposed defendant No.6 to 8 are permitted to appear as defendant No.6 to 8.

Plaintiff is hereby directed to carryout necessary amendment by impleading them as defendants No. 6 to 8 and furnish APC.

For APC Call On: 31.07.2023.

Sd/-
(Gayatri)
Civil Judge & JMFC.,
Kundgol.