

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND
CJM, GADAG**

PRESENT

**SRI. G.R. SHETTAR., B.com. LL.B (Spl)
PRL. SENIOR CIVIL JUDGE AND CJM, GADAG**

DATED THIS 06TH DAY OF JANUARY, 2026

O.S.No.147/2015

PLAINTIFFS:

1. Tarabai Manvi and others

(R/by Sri M.S.B. Advocate)

Vs

DEFENDANTS:

1. Bharati W/o Ishwarappa Manvi,
& Others

(Dft.No.1R/by Sri P.S.R. Advocate)

(Dft.No-2 – Ex-parte)

(Dft.No.3 R/by Sri T.V.H. Advocate)

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PARTIES to I.A. No.36

APPLICANT/

DEFENDANT No.1:

1. Bharati I. Manvi

Vs

1. Tarabai Manvi and others

PROPOSED DEFENDANT No.4

Devappa Lingadal,
 Proprietor, Very Goodmorning news paper,
 Opp: GBCMC Station Road, Gadag – 582101

PROPOSED DEFENDANT No.5

Basanagouda Somanagoudru,
 Proprietor, Modern Hotel,
 Opp: GBCMC Station Road, Gadag – 582101

i.	Provision under which the application is filed	U/o I Rule 10 of CPC
ii.	Relief sought for	For Impleading the proposed defendants as defendants
iii.	The date on which the application is filed	07/11/2025
iv.	Number of applications	I.A.No.36
v.	Date on which the objections is filed by different opponent/s	25/11/2025
vi.	Date on which the order is passed on said application.	06/01/2026

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ORDER ON I.A.36 U/O I RULE 10 OF CPC

Applicant/defendant No.1 has filed this application praying for impleading the proposed defendants as defendant No.4 and 5 in the suit.

2. Application is supported by the affidavit sworn to by the defendant No.1 wherein it is contended that the proposed defendants are the tenants in the respective suit properties, defendant No.1 got share in the rent from the tenants, earlier plaintiff No.2 was collecting the rent, the defendant No.2 and other defendants assured the defendant No.1 about giving share the rent after collecting, but they are not ready to give the rent to the defendant No.1, the defendant No.2 has forcibly collecting the rent behind the back of the plaintiffs, as such, proposed defendants are necessary party to the suit. If the application is allowed, no injustice will be caused to other defendants, on the other hand, if the application is allowed, the applicant/defendant No.1 will be put to irreparable loss and damages. Hence, prayed for allowing the application.

3. The plaintiffs have opposed the application filed by the defendant No.1 and denied the averments

made in the affidavit filed in support of the application as false. It is contended that they are neither necessary party nor proper parties to decide the case on hand, the application filed by the applicant/defendant No.1 is false and not maintainable. Hence, prayed for dismissal of the application with cost.

4. Heard the arguments.

5. The points arise for my consideration are:

P O I N T S

I. Whether the applicant/defendant No.1 has made out sufficient grounds to implead the proposed defendants as parties to the suit?

II. What order ?

6. My findings on the above points are:

POINT No.I : In the Negative

POINT No.II : As per the final order

for the following:

R E A S O N S

7. **POINT No.I**: Applicant/defendant No.1 has contended that proposed defendants are the tenants in

the respective suit properties, the defendant No.3 is illegally and forcibly collecting the rent from the tenants behind the back of the applicant/defendant No.1, though the defendant No.3 earlier assured giving the share of the defendant No.1 in the rent, but not ready to give, as such, proposed defendants are the proper and necessary parties. Per contra, plaintiffs have opposed the application and contended that proposed defendants are neither necessary party nor proper parties to decide the case on hand.

8. I have gone through the entire material carefully. Proper and necessary party is one in whose absence an effective decree cannot be passed. In this case, as contended by the applicant/defendant No.1, proposed defendants as shown in the application are alleged tenants in the suit properties, they are not having any interest in the suit properties. Moreover, proposed defendants are neither necessary party nor proper parties to decide the rights of the parties over

the suit properties. Therefore, I am of the considered opinion that the applicant/defendant No.1 has not made out sufficient grounds to allow the application and to implead the proposed defendants in the suit. Hence, Point No.I is answered in the Negative.

9. **POINT No.II**: As discussed above, I proceed to pass the following:

O R D E R

I.A.No.36 filed by the applicant/
defendant No.1 U/o I Rule 10 of CPC
is hereby dismissed.

No order as to cost.

(Dictated to Stenographer, transcribed and typed by
him, printed, then corrected and pronounced by me in the
open court on this **06th day of January, 2026**)

Sd/-06/01/2026

(G.R.SHETTAR)

**Prl. Sr. Civil Judge & CJM.,
GADAG**