



**IN THE COURT ADDL. SENIOR CIVIL JUDGE & JMFC,
HAVERI.**

:: PRESENT ::

SMT. SHOBHA, B.G., M.A., LL.B.,
ADDL. SENIOR CIVIL JUDGE & JMFC,
HAVERI.

Dated this the 23rd day of June-2026
O.S.No.195/2014

Plaintiff/s: Basappa S/o Putappa Holal
and others.

(Rep.by Sri.S.H.J., Adv.,)

-Vs.-

Defendant/s: Siddappa S/o Puttappa Bavali,
and others.

(D1 to 5 by Sri.K.T.H., Adv.,)

(D8 by Inpresence)

(D.9 by Sri.O.M.K., Adv.,)

(D.7 by Sri.A.V.K., Adv.,)

(D.6 by Sri.K.D.V., Adv.,)

I.A. No.XIV

Applicant: Narayan S/o Lokappa Raval.
(Pro.deft
No.9)

-Vs.-

Opponent : Basappa S/o Putappa Holal
(Ori.Pltf) and others.



ORDERS ON IA.NO.XIV

This is an application filed by the proposed defendant No.9 U/O.1 Rule 10(2) r/w. sec.151 CPC seeking permission to implead him as defendant No.9 in this suit.

2. Said application is accompanied with affidavit sworn by the proposed defendant No.9, wherein he stated that he is the president of Sri. Bhuteshwarnath Maharaj Seva Samiti (Reg.) Dharwad and the President of the Akhil Karnataka Ravalnath Panthi Samaj & Samiti. The said suit has arisen from the Will done by Sri.Bhuteshwarnath Maharaj of Bhavanmath Karjagi on 11/04/1196. Further he is only witness and signatory to the said registered Will and also the closest disciple of the late Sri.Bhuteshwarnath Maharaj of Bhavanmath Karjagi. In the earlier suits O.S No.151/2007 and P & SC No.1/2011 have been ordered without evidence of any of the signatories to the Will. Now he is in possession of the 2nd Will made by the late Sri.Bhuteshwarnath Maharaj of



Bhavanmath Karjagi, Dated: 16/06/1996 at Karjagi and the said 2nd Will has come to possession only very recently. According to the 2nd Will the 1st Will made by late Sri.Bhuteshwarnath Maharaj of Bhavanmath Karjagi on 11/04/1996 has been canceled by the late Sri.Bhuteshwarnath Maharaj of Bhavanmath Karjagi and also the particulars about the movable and immovable properties of the said Math are also canceled. Because they are illegal and they have no locus standi in the eyes of Law. Hence, it is just and necessary to implead him as one of the party to the proceedings of this suit. In receipt of the important documentary evidences regarding the late Sri.Bhuteshwarnath Maharaj of Bhavanmath Karjagi and his important letters and other documents, that are in possession and have to be presented before this Hon'ble Court in this case and proper reasoning's have to be made regarding Law and evidence for just and proper adjudication of this case. Wherein



Sri.Bhuteshwarnath Maharaj has clearly mentioned that the amounts deposited by him in the two Banks of defendant No.7 and 8 are received by him from his sister who was staying at Nepal his native country. If proper justice has to be done to the wishes of the testator he has to be impleaded as defendant No.9 to this suit. If application is allowed no loss or injustice will be caused to the other side. On the contrary if application is not allowed the wishes of the late Bhuteshwarnath Maharaj will be nullified and great injustice will be done to the cause of the testator. Further he is president of Sri.Bhuteshwarnath Maharaj Seva Samiti Dharwad, it will cause injustice to the said Samiti. Hence, he prayed to allow the application.

3. The said application is resisted by the defendant No.1 by filing objection contending that the application is not maintainable either in law or on facts. He filed this application with malafide intention. The contents of affidavit regarding



execution of Will dated:11.04.1196 are all false.

Sri.Bhutehswarnath Maharaj has not executed Will on:11.04.1196. The proposed defendant No.9 stated that he is a signatory to the said will. Therefore impelading of witness of Will is not permissible under law. If the proposed defendant No.9 is aware of transaction held by Sri.Bhuteshwaranath Maharaj relating trust, he can produce documents through plaintiff and give evidence as witness. He filed this application with an intention to harass the defendants. Hence prays to dismiss the application with costs.

4. Heard arguments.

5. On perusal of the pleadings, documents and application, the following points that arise for my consideration are:-

1. Whether the proposed defendants have made out sufficient ground that he is proper and necessary parties to the suit?
2. What order?



6. My answer to the above points are:

Point No.1 : In the Affirmative;

Point No.2 : As per the final order,
for the following;

R E A S O N S

7. **Point No.1:-** On perusal of contention urged by both parties, it appears that this suit is filed for the relief of declaration to declare that Will dated:11.04.1996 executed by Bhutheshwarnath Maharaj in favour of defendant No.1 to 9 is null and void and set aside the order passed in P & SC No.1/2011 by this court and permanent injunction. The present application is filed by the proposed defendant No.9 seeking permission to implead him as defendant No.9 in this suit. According to him he is president of the Sri. Bhuteshwarnath Maharaj Seva Samiti (Reg.) Dharwad and the President of the Akhil Karnataka Ravalnath Panthi Samaj & Samiti. The said suit has arisen from the Will done by Sri. Bhuteshwarnath Maharaj of Bhavanmath Karjagi on



11/04/1996. Further he is only witness and signatory to the said registered Will. In the earlier suits O.S No.151/2007 and P & SC No.1/2011 have been ordered without evidence of any of the signatories to the Will. Now he is in possession of the 2nd Will made by the late Sri. Bhuteshwarnath Maharaj of Bhavanmath Karjagi, on 16/06/1996 at Karjagi and the said 2nd Will has come to possession only very recently. According to the 2nd Will the 1st Will made by late Sri. Bhuteshwarnath Maharaj of Bhavanmath Karjagi on 11/04/1996 has been canceled by the late Sri. Bhuteshwarnath Maharaj of Bhavanmath Karjagi and also the particulars about the movable and immovable properties of the said Math are also canceled. Hence, it is just and necessary to implead him as one of the party to the proceedings of this suit. According to the defendants Sri.Bhutehswarnath Maharaj has not executed Will on:11.04.1196. The proposed defendant No.9 stated that he is a signatory to the said will. Therefore impelading of



witness of Will is not permissible under law. If the proposed defendant No.9 is aware of transaction held by Sri.Bhuteshwaranath Maharaj relating trust, he can produce documents through plaintiff and give evidence as witness. He filed this application with an intention to harass the defendants.

8. However on considering over all material placed before the Court, it discloses that the plaintiff sought relief of declaration that the Will dated:11.04.1996 executed by Bhutheshwarnath Maharaj in favour of defendant No.1 to 5 as null and void. According to the proposed defendant No.9 said Bhutheshwarnath Maharaj executed 2nd Will dated:16.06.1996 which is in possession of proposed defendant No.9. However whether Bhutheshwarnath Maharaj executed Will dated:16.06.1996 or whether defendant No.1 to 5 fraudulently got Will dated:11.04.1996 is to be decided. At this stage it cannot be decided. Therefore impleading of



proposed defendant No.9 is required. The object of Order 1 Rule 10 CPC is that *“a person may be added as a party whether as plaintiff or as defendant when he ought to have been joined as a party or when his presence is necessary in order to dispose of the suit effectively”*. In the instant suit the presence of the proposed defendant No.9 is required as already discussed above to adjudicate the matter effectively. Therefore this Court is of the opinion that the application filed by the proposed defendant No.9 deserves to be allowed. Accordingly point No.1 is answered in the **affirmative**.

9. **Point No.2:-** In view of the above discussion, I proceed to pass the following;

ORDER

IA No.14 filed by the proposed defendant No.9 U/o 1 Rule 10(2) of CPC is hereby allowed.

The proposed defendant No.9 is permitted to implead himself as defendant No.9 in this suit.



Further the plaintiffs are directed to carryout necessary amendment with regard to impleading the defendant No.9 in the cause title to the plaint and furnish amended plaint.

By:01.07.2026.

(Directly typed by me, corrected and then pronounced by me in the open Court on 23rd day of June, 2026)

(Smt.Shobha B.G.)

Addl.Senior Civil Judge & JMFC,
Haveri.