



**IN THE COURT OF PRL. CIVIL JUDGE & JMFC.,  
RANEBENNUR.**

**Dated on this the 26<sup>th</sup> day of February 2026.**

**Present: Sri. ADITHYAKUMAR H.R, B.A.LL.B.**

**Prl. Civil Judge & JMFC.,Ranebennur.**

**ORIGINAL SUIT NO.66/2021**

**Plaintiff:** Sri. Chandrappa S/o Giddappa Lamani  
& another

**V/s**

**Defendants:** Sri. Boodeppa S/o Giddappa Lamani  
& others.

**I.A. NO. 3 CAUSE TITLE.**

**Applicant :**

Paravva W/o Deshappa Lamani  
& others

**V/s**

**Opponents:** Sri. Chandrappa S/o Giddappa Lamani  
& another

**ORDER ON IA NO.3**

When the case was posted for cross-examination of PW1, the proposed defendants No.6 to 10 have filed the present application application under Order I Rule 10 (2) of CPC seeking their impleadment as defendants No.6 to 10.



**2.** In support of the application the proposed defendant No.6 has sworn to the affidavit stating that, the Plaintiffs have filed the present suit for partition and separate possession and the Plaintiffs have falsely submitted the genealogy suppressing the proposed defendants. They are also joint family members and having rights and share in the suit properties. Thus, they are also proper necessary parties to the suit.

**3.** The copy of the application was duly served and the Plaintiffs have filed objection contending that, the present application is not maintainable either in law or on facts and liable to be dismissed. The proposed Defendants are noway relating either to the suit properties or to their family. Hence the application is liable to be dismissed.

**4.** Both counsel have not addressed their arguments and the same had taken as not addressed. Perused the materials available on record.

**5.** The points that arise for the consideration of this court are:

***(i) Whether the applicants are necessary and proper parties to the suit in whose absence this court cannot effectually and com-***



***pletely adjudicate upon and settle all the questions involved in the suit.?***

***(ii) What order.?***

6. After carefully perusing the records available before it at this stage, this court proceeds to answer the afore raised points for consideration as under:

**Point No. i : In the affirmative.**

**Point No. ii : As per the final orders,  
for the following;**

**REASONS**

**7. Point No.(1):**

At the very outset it is necessary on the part of this court to clarify that the application is one for impleadment of a party to the present suit and the same is filed by the proposed defendants. In the affidavit it is contended that, the Plaintiffs have filed the present suit for partition and separate possession over the suit properties and the applicants are also joint family members and in joint possession of the suit properties. Hence they are also proper and necessary parties to the present suit. On the other hand, the Plaintiffs denied the case of the applicants.

**7.1.** The present suit is one for partition and separate possession. Though the Plaintiffs filed objection to the application, he has not seriously disputed the relationship and the relationship of pro-



posed defendants as claimed in the application is cannot be adjudicated at this stage and the same can be subjected in full pledged trial. Moreover, the counsel for Plaintiffs also not addressed his arguments.

**7.2.** It must be borne in mind that while considering an application for impleadment of a party to the suit, this court cannot hold mini trial and all that this court is required to see is whether in the absence of the party sought to be impleaded can this court fully and finally adjudicate the dispute between the parties. With this aspect in mind when the records are perused, it is clear that the applicants claiming as they are also joint family members and their relationship with the parties to the suit. Under such circumstances, it is just and necessary to implead the applicants as a parties to the suit.

**7.3.**In fact the other main reason to implead the applicants would be that they would be interested in the outcome of the suit as if this court goes on to uphold the claim of the applicants and concludes that the suit is bad for non joinder of necessary parties. In this regard, issue No.3 also has been framed. Thus, the direct consequence would be to the parties to the suit and they get jeopardized and will have suffer a decree. Hence, this court is of the firm opinion that, the applicants are proper and necessary parties to the suit,



their presence is very much required for proper adjudication of the dispute.

**7.4.** This view is fortified by the decision of the Hon'ble High Court of Karnataka rendered in ***M.Narayana and another Vs. Smt. Ramakka and others [RFA No.761/2003 (Partition)]*** while dealing with an impleading application in appeal has opined as under:

*13. It is equally settled that the power of a Court to add a party to a proceeding cannot depend solely on the question whether he has interest in the suit property. The question is whether the right of a person may be affected if he is not added as a party. Such right, however, will include necessarily an enforceable legal right.*

The essence of the above decision is that if a person's right is affected by the outcome of the suit, then he becomes a necessary party and the fact that the decision was rendered in a suit for partition makes it aptly applicable to the present case.

**7.5.** To sum up in view of the fact that the applicants is claiming their interest over the suit properties as they having the share in the suit properties, the applicants become proper and necessary party to the suit. For the foregoing reasons and without giving any opinion on merits of the case, this court finds no hesitation in holding Point No.1 in the ***affirmative.***



**8. Point No.2:**

In view of the fact that point No.1 is held in the affirmative, this court passes the following:

**ORDER**

“ IA No-3 filed by the proposed defendants No.6 to 10 under Order I Rule 10 (2) of C.P.C. is hereby allowed.

Consequently the applicants are hereby impleaded as defendants No.6 to 10 in this case.

The plaintiff shall carryout a amendment and file amended plaint as per Order VI Rule 15 of C.P.C (Karnataka Amendment).“

Sd/-  
**(Adithyakumar H.R.)**  
**Prl.C.J. & JMFC.,**  
**Ranebennur.**

Order on IA No.3  
KAHV520001242021

