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**IN THE COURT OF CIVIL JUDGE AND JMFC,
JEWARGI
AT JEWARGI.**

**Present:- Sri.KASHINATH V. UPPAR, B.Sc., LL.B.,
Civil Judge and JMFC, Jewargi.**

Dated : This the 4th day of August, 2025

F.D.P.No.7/2023

Between:

Chandrappa @ Chandrayya S/o late Bhimanna @
Bhima Talwar,
Age : 67 years, Occ: Agriculture,
R/o Ijeri village, tq: Yadrami,
Dist: Kalaburagij.

(By Sri. J.V.H., Adv.)

.....PETITIONER

V/s

1. Narasappa S/o late Bhimanna @ Bhima Talwar,
Age : 61 years, Occ: Agriculture,
R/o Ijeri village, tq: Yadrami,
Dist: Kalaburagij.
Now AT: Chikalingadahalli, Post: Somalingadahalli,
tq: Chincholi, dist: Kalaburagi.

.....RESPONDENTS

(R-1 By Sri. M.S.B., Advocate)

(R-2 In person)

**ORDERS ON IA No.IV and V FILED BY THE THIRD PARTY
APPLICANT U/o 1 Rule 10 R/w Sec.151 of C.P.C.**

The third party applicant has filed this application U/o.1 Rule 10 R/w Sec.151 of C.P.C to implead proposed respondent No.3 in the present

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petition since she is proper and necessary parties to the present petition.

2. The third party applicant sworn to the affidavit stating that, she is the daughter of deceased Bhimanna who is the father of plaintiff No.1 and petitioner and respondent colluded each other got filed the suit behind the back of third party applicant and without arriving as the party to the OS No.104/2011. The said suit was decreed. Now petitioner is filed third party applicant and another sister by name Lalita who is the daughters of deceased Bhimanna and their have also share in the suit schedule property. Hence third party applicant is necessary present petition.

3. The third party applicant by name Jyoti and D. Sunita are filed application U/o 1 rule 10 (2) of CPC which is numbered as IA No.V. The proposed respondent No.4 and 5 sworn accompanying affidavit stated that, she is the daughters of deceased Chandramma who is the daughter of deceased Basanna and they have also share in the suit schedule property. Hence, they are the necessary and proper party to the petition.

4. Heard the arguments. Learned counsel for petitioner submits no objection to IA No.IV and V.

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5. On considering the IA, IA affidavit, the points that would arise for my consideration are as under:

1. Whether the Interim application No.IV and V filed by the proposed respondent No.3 to 5 application Under Order 1 rule 10 R/w Sec.151 of C.P.C., is deserves to be allowed and whether the proposed respondents are necessary and proper party to the present petition ?

2. What Orders?

6. My answer to the above points are as under:

Point No.1 : In the **Affirmative**.

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

REASONS

7. **Point No.1:-** I have perused the documents available on record. The present petitioner has filed OS No.104/2011 suit for partition and separate possession against the respondent. The said suit was decreed on 01.10.2011. After decree present petitioner filed final decree proceedings. When matter is posted for further steps the present third party applicant came with application that, they are the necessary and proper party to the present petition and they are also share in the suit schedule property. The proposed respondent No.3 is the

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daughter of deceased Bhimanna and the proposed respondent No.4 and 5 are the daughters of deceased Chandramma who is also daughter of deceased Bhimanna. On considering the relation between the applicants this court has opinion that, they are also necessary and proper party to the preset petition. Therefore, the impeding respondent No.3 to 5 are necessary parties to the present petition. In the absence of proposed respondents, the matter can't be adjudicate finally and effectively. When such being the case, I found no fault to implead the proposed respondents as respondent No.3 to 5 in the present petition. Further, application is not allowed it will need multiplicity of proceedings and in order to avoid the multiplicity of proceedings it is necessary tot he allow the present petition.

8. At this stage it is useful to refer a decision reported in ***ILR 2016 KAR 2979 in between Sri.M.Narayana & Another /vs/ Smt. Ramakka & Others***, wherein it was held that court has discretion to add such parties who are necessary and proper party to the suit in order to adjudicate the real controversy in between the parties. Therefore in the absence of the proposed respondent present matter is adjudicated it would leads to

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multiplicity of proceedings and lead to future complications.

9. On considering the fact of case and relation between the parties this court is opinion that the proposed respondents are necessary and proper parties to the present petition. Therefore, proposed respondent are essential, proper, and necessary parties to the present petition, therefore, the application filed by the third party applicants is deserves to be allowed. Hence, **I answer point No.1 in the Affirmative.**

10. **Point No. 2:** For the foregoing reasons assigned in point No. 1, I proceed to pass the following

: ORDER :

I.A. No.IV and V filed by the third party applicant U/o.1 Rule 10 R/W 151 of CPC is hereby allowed.

The applicants is permitted to common records as respondents No.3 to 5 in the present petition.

Petitioner is directed to carry out necessary amendment to the petition.

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For amendment and amended
copy of petition

(Dictated to the Stenographer directly on Computer corrected and then pronounced by me in the open court on the 04th day of August-2025)

(KASHINATH V. UPPAR)
Civil Judge & JMFC,
Jewargi.

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