

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C
SEDAM**

PRESENT: SRI. VIJAYKUMAR.S. JATLA

B.Sc., LL.B.

Senior Civil Judge & JMFC., Sedam

DATED THIS THE 13th DAY OF MARCH-2023.

F.D.P.No.3/2016

Petitioners : Jagadish and others

Versus

Respondents : Pentappa and others

**Order on I.A.No-II U/O 1 Rule 10(2) of CPC filed by the third
party petitioner**

This is an interlocutory application filed by the third party petitioner by name Tippamma W/o Manikappa for impleading her as respondents in this case

2. Advocate for the third party petitioner contended that the decree holder/plaintiff filed a suit for partition and separate possession before this court in O.S.No.2/2007. The decree

holder/plaintiffs are intentionally and misrepresenting the facts not made a party to the third party petitioner in the said suit. The plaintiff got decreed the suit without her knowledge behind the back by depriving rights of her rights and share. The third party petitioner is also one of the share holder and having rights in the suit property and she is the daughter of deceased Narasappa S/o Laxmappa and she is having rights in the said property. Hence, sought for allowing IA No.II as prayed for.

3. The advocate for the petitioner had not filed objection to I.A.No.II.

4. Heard on both sides.

5. The following points that would arise for my consideration are:

1) Whether the third party petitioner by name Tippamma W/o Manikappa D/o Narasappa has made out grounds to allow I.A.No.II U/O 1 Rule 10(2) of CPC?

2) What order?

6. My findings on 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:-** The case of the third party petitioner is as discussed above. The plaintiffs filed the suit for partition and separate possession in respect of suit properties in O.S.No.2/2007 and the suit was decreed in favour of the plaintiffs. Thereafter the petitioners have filed this FDP for drawing final decree proceedings. The advocate for the third party petitioner has filed this application to implead her as respondent in this case. Further contended that the plaintiffs are intentionally and misrepresenting the facts not made a party to the third party petitioner in the said suit and the plaintiffs got decreed the suit without her knowledge and behind the back of depriving her rights and share in the suit properties. Further contended that the third party petitioner is the daughter of deceased Narasappa S/o Laxmappa and she is having rights and share in the suit properties.

8. Perused IA No.II, it is seen that the third party petitioner is not impleaded in the suit OS No.2/2007. The petitioners not filed the objections to IA No.2. On perusal of the IA No.2 the third party

petitioner is very much essential for proper adjudication of the matter in dispute as she belongs to the family of the plaintiffs and defendants and without her presence the petition cannot be adjudicated properly. If the third party petitioner is not impleaded as respondent it will lead to multiplicity of proceedings. Hence, third party petitioner is necessary and proper party to the this case. Accordingly, the third party petitioner has made out grounds to allow I.A.No.II U/o 1 Rule 10(2) of CPC. In the light of the above discussions, I answer **point No.1 in the Affirmative.**

9. Point No.2:- As I have answered point No. 1 in the Affirmative for the foregoing reasons, I proceed to pass the following:

ORDER

IA-II U/O 1 Rule 10(2) of CPC filed by the third party petitioner is hereby allowed.

The petitioners are permitted to amend the cause title by impleading third party petitioner by name Tippamma W/o Manikappa D/o Narasappa, Age: 55 years, Occ: Household,

R/o Nadepalli, Tq: Sedam as respondent NO.7

as per I.A.No.II.

(Dictated to the stenographer directly on computer and corrected, signed and then pronounced by me, in the open Court on this the **13th day of March-2023**, at Sedam)

(Vijaykumar S.Jatla)
Senior Civil Judge & JMFC,
Sedam.

(Orders pronounced in the open court vide separate order)

ORDER

IA-II U/O 1 Rule 10(2) of CPC filed by the third party petitioner is hereby allowed.

The petitioners are permitted to amend the cause title by impleading third party petitioner by name Tippamma W/o Manikappa D/o Narasappa, Age: 55 years, Occ: Household, R/o Nadeipalli, Tq: Sedam as respondent NO.7 as per I.A.No.II.

For amendment and amended petition. Call on 25-03-2023