

ORDERS ON IA NO.3

This application is filed by the applicants under Order 1 Rule 10 (2) R/W/S 151 of CPC to implead them as defendant No.5 to 7 in the suit.

2. The applicant No.3 has sworn to affidavit to the present application and stated that the applicant No.1 is the legally wedded wife of Late. Venkatesha and the applicants No.2 and 3 are his children. The plaintiffs have filed the present suit for partition and separate possession by claiming that they are wife and daughter of Late. Venkatesha. They have not lived in the family of Venkatesha as his family members. They, on the ill advise of some local people, have filed this frivolous suit making false claim over the suit schedule property. They have no manner of right, title, interest or possession over the suit schedule property. Therefore it is necessary to implead the applicants as parties in the suit. Hence, the applicants filed the present application.

3. The plaintiffs have filed objection to the present application by filing objections and stated that the applicants are totally strangers to their family. The husband of the plaintiff No.1 is no way related to the applicants. It is false that the applicant No.1 is the legally wedded wife and the applicant No.2 and 3 are the children of Late. Venkatesha. The applicants never lived with Venkatesha. Therefore, the applicants are neither

proper nor necessary parties to the suit. Therefore, it is prayed to dismiss the present application.

4. Heard and perused.

5. The point that arises for my consideration is as follows ;

Whether the applicants are either necessary or proper parties to the suit.?

6. My answer to the above point is in the **Affirmative** for the following ;

REASONS

7. In the present application, the applicants have claimed that they are related to deceased Venkatesha, who is claimed by the plaintiffs as the husband of the plaintiff No.1 and the father of the plaintiff No.2. It is specifically contended by the applicants that the applicant No.1 is the legally wedded wife and the applicants No.2 and 3 are the children of deceased Venkatesha. On the other hand, the plaintiffs contended in the suit that they are the legal heirs of deceased Venkatesha. The present suit is filed for partition and separate possession of the share of deceased Venkatesha in the suit schedule properties. There is dispute between the plaintiffs and the applicants about their relationship with deceased Venkatesha. In order to adjudicated the said dispute the applicants are necessary parties to the suit. Accordingly, the above

point is answered in the ***"Affirmative"***. Hence, this court proceeds to pass the following:

ORDER

IA No.3 is filed Under order
1 Rule 10 (2) R/W/S 151 of
CPC is hereby allowed.

The plaintiffs are directed to
implead the applicants as
defendant No.5 to 7 in the
suit.

For amendment and for
amended plaint.

Call on 27.03.2026

**I-Addl. Senior Civil Judge & JMFC.,
Maddur.**