

ORDERS ON APPLICATION FILED BY THE APPLICANT
UNDER ORDER 1 RULE 10(2) OF C.P.C.

This petition is filed under Section 9 of the Arbitration and Conciliation Act in which the present Applicant has filed the application under Order 1 Rule 10(2) of C.P.C. seeking to implead him as Petitioner No.2 contending that, himself and Petitioner are partners of the M/s. Sukhadayi Associates, but now they are not in good terms and as on today they are not doing any business activities, they have done business earlier, till now partnership firm is not dissolved. Recently he came to know about the present petition filed by the Petitioner he has filed the same without informing him. Infact he has also invested money for M/s. Sukhadayi Associates. Hence, he has got equal rights in the said layout, accordingly, it is necessary to implead himself as party to the proceedings.

2. To this application Petitioner's counsel has filed objections stating that, already proposed Applicant has resigned from the partnership firm vide his resignation letter dated 08.01.2017 hence he has no matter in the affairs of the partnership firm. Now he is attempting to take a back door entry by filing application in the proceedings. The proposed

Applicant has issued legal notice winding up firm and settle the accounts. Even application filed by Applicant in A.A.No.10/2018 also came to be dismissed. The Applicant has not at all taken part in any of the development activities, Petitioner himself has handled all the affairs of the firm, application is filed only to harass the Petitioner if the application is allowed the Petitioner will suffer a lot, there is no valid grounds to allow the application. Hence, same is liable to be rejected.

3. On perusal of the facts and circumstances of the case it appears to me that, as application is to implead the Applicant and Petitioner has not produced any documents regarding retirement of the Applicant it is proper and necessary to allow the application permitting the Applicant to come on record as one of the Respondent but not as Petitioner and to decide the petition on merits. Hence following ;

ORDER

The application filed by the Applicant namely Raghavendra G.S under Order 1 Rule 10(2) of C.P.C. is allowed.

Applicant is permitted to come on record as Respondent No.2.

Petitioner is directed to amend the petition impleading the Applicant as Respondent No.2.

For amendment and amended petition.

Call on : 31.01.2026.

II Addl. District & Sessions Judge,
Mysuru.