

FDP 16/2019

**ORDER ON I.A.VII**

The petitioner filed this application under Order I Rule 10(2) r/w Section 151 C.P.C. to permit her to implead the proposed respondent i.e., Rajashekar Hole Basappa S/o Hole Basappa, aged about 59 years, residing at No.4, E & F Block, D.V.C. Colony, Ramakrishna Nagara, Mysuru.

2. In the affidavit it is sworn that, the matter is pending for final decree proceedings in respect of suit schedule properties; very recently it came to the knowledge of the petitioner that the respondents by colluding with each other by suppressing the material facts of the case and by furnishing false fabricated documents has changed the khatha of 'A' schedule property in favour of the proposed respondent. As such to adjudicate the matter effectively it is pertinent to implead the proposed respondent as necessary party. Hence, prays to allow the application.

3. In spite of ample opportunities, the application is not objected. Hence, the objection taken as not filed.

4. Heard the counsel for the petitioner. The F.D.P. in partition suit is also deemed as continuation of suit. Therefore, in FDP proceedings any stage can be introduced as like stage in civil case. Therefore, the application can be filed to bring or implead one party as petitioner or respondent in F.D.P. proceedings.

5. The petitioner says that, recently khatha of one of the suit schedule property changed into the name of the proposed respondent. Therefore, the participation of proposed respondent is very much required for effective adjudication and implead of proposed respondent only concrete the effective disposal of the matter. Once the matter of change of khatha has been introduced by the petitioner, she has to be given sufficient opportunity to prove the same. Suppose khatha of the property of one of the properties of schedule got changed in the name of the proposed respondent that has to be adjudicated properly, otherwise it will amount to partial disposal of the matter. Therefore, the following:

**ORDER**

I.A.VII filed by the petitioner under Order I Rule 10(2) r/w Section 151 of C.P.C. is allowed.

Issue notice to the proposed respondent if P.F. is paid. Call on 24.09.2024.

Senior C.J. & JMFC.,  
Nanjangud.

29.07.2024