

KAMS600007472018



FDP/2/2018

IN THE COURT OF THE SENIOR CIVIL JUDGE AT

PERIYAPATNA

Present

Sri.A.SAMIULLA

B.Sc., LL.B.,

Senior Civil Judge

Periyapatna.

Dated: 27th Day of July 2022

FDP.No.2 of 2018

Petitioners: Smt.Sannamma & Anr.

V/s

Respondents: Smt.Doddamma & Ors.

IA.No.3

Applicant/Proposed R7: Smt.Sunandamma,
w/o Boregowda,
r/at Bilagunda village,
Neelawadi Post,
Haranahalli,
Periyapatna Taluk.

v/s

Opponents/Petitioners. Smt.Sannamma & Anr.

**ORDER ON IA-3; u/O 1 RULE 10 (2) R/w Sec.151 OF
CPC;**

Applicant moved this application seeking self impleadment as respondent-7 in the petition.

2. Petitioners resisted the application by filing statement of objections.

3. Heard arguments.

4. Following point arises for consideration.

Whether the applicant/proposed respondent-7 is a necessary and proper party and her presence is warranted for the complete and effective adjudication of real controversy between the parties to lis?

5. Answer to the above point is in **affirmative** for the following;

REASONS

6. At the outset; petition is filed for drawing up of final decree on the basis of preliminary decree passed in OS.No.11/14. Respondents mark their appearance. Thereafter, Court Commissioner was appointed to make out a scheme of partition. After commission work; Commissioner reports were received on 14.08.19 and

30.08.19. Thereafter, matter was set down for objection to Commissioner reports. In spite of sufficient opportunity respondents failed to file objections to Commissioner reports. On 06.03.21 the application at hand is filed by the learned advocate Sri.KSD, who is representing respondents herein; seeking to implead the applicant as respondent-7 in the petition by stating that the applicant is daughter of Giddegowda & she is also having share in the suit properties but neither the petitioners/plaintiffs nor the respondents/defendants arrayed her as party to suit, as such she prayed to permit her to come on record as respondent-7.

7. Petitioners objected the application by stating that; the applicant is not the daughter of Giddegowda but she is daughter of Doddamarigowda, who is husband of defendant-1/respondent-1 Smt.Sannamma, as such she is not a necessary party to the proceedings. Only with an intention to protract the proceedings present application

is filed.

8. It is worth note that the applicant has specifically contended that; she is the daughter of Giddegowda & she is having share in the suit properties, which is categorically denied by the petitioners by stating that she is not daughter of Giddegowda but she is daughter of respondent-1 Sannamma and her father name is Doddamarigowda. For the reasons best known to the applicant she has not produced a scrap of paper to show that she is daughter of Giddegowda. Even after filing of objections by the petitioners by denying her legal status with Giddegowda and contended that she is daughter of respondent-1 herein the applicant has not bothered to produce any authenticated document to show that she is daughter of Giddegowda. Here, suit was filed in the year 2014 and after contest it was decreed in the year 2018. FDP filed in the year 2018; wherein, Court Commissioners were appointed, who inspected the suit

properties and submitted reports by making scheme of partition and the present petition is in the fag end; at this stage applicant moved this application on 26.02.20 stating that recently she came to know about the preliminary decree and final decree proceedings, which is not worth believable. In the light of above discussion it can be said that only to protract the proceedings the application is filed, which lacks bonafides and deserved to be rejected. Hence, above point is answered in negative and proceeds to pass the following;

ORDER

IA.No.3; filed u/O 1 Rule 10 r/w Section 151 of CPC
by the applicant/proposed respondent-7 is rejected.

No order as to costs.

(Dictated to the Stenographer on laptop, directly typed by her, corrected and initialed by me and then pronounced in the open Court on 27.07.22).

Sd/-
(A.Samiulla)
Senior Civil Judge,
Periyapatna.