



I.A filed by the	Applicant
Date of filing of I.A	27.08.2024
Date of filing of Objection filed by the Plaintiffs No.1 to 10	16.10.2024
Date of Order	14.07.2025

**IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE AND
CJM., AT RAMANAGARA**

Dated : This the 14th Day of July, 2025

Present:-

Sri. Lokesha,
B.A., LL.B.,
Prl. Senior Civil Judge & CJM.,
Ramanagara.

O.S.No.263/2013

Plaintiffs :- Sri. Sukumara and others

Vs.

Defendants :- Sri. H.K. Harishand another

I.A. No.10

Applicant :- Smt. Jayamma

- (Proposed Plaintiff)

-V/s-

Opponents :- Sri. Sukumara and others

- (Plaintiffs No.1 to 10)

* * *



ORDERS ON I.A.No.10
UNDER ORDER 1 RULE 10(2) OF CPC.,

This application is filed by the applicant Smt. Jayamma requesting the court to implead herself as Plaintiff No.11.

2. In the affidavit filed accompanying this application, the applicant Smt. Jayamma states that this applicant is the daughter of Munithayamma and she is also necessary party in this suit. She further pleads that she came to know about the filing of the suit by the Plaintiffs with respect to suit property, as such she has filed this application. Hence, she prays to allow this application.

3. On the other hand, Plaintiffs No.1 to 10 have filed objection to this application containing that application is not maintainable either in law or on facts It is further contended that these defendants do not know the applicant and she is no way concerned with these Plaintiffs. It is further states that, the applicant has not produced any document in support of the contention taken by her in the affidavit filed accompanying this application. Hence they prayed for dismissal of application.



4. Heard the learned counsel for the applicant and Plaintiff No.1 to 10 and perused the materials on record.

5. The following points arise for my consideration:-

(1) Whether applicant is necessary party in this suit in order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit.?

(2) What order?

6. My answers to 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:- Undisputedly present suit is filed by the plaintiffs against defendants for relief of partition and separate possession. In the case was at the stage of evidence of Plaintiff the applicant come with the present application seeking her impleadment as Plaintiff No.11 contending that she is the daughter of Munithayamma. Plaintiff No.1 to 10 have contended that this applicant is not known to the Plaintiffs No.1 to 10 and she is no way concerned to these Plaintiffs. It is true that the applicant has not produced any



document at this stage, to show her relationship with Munithayamma. However, I have perused the notarized copy of the genealogy produced by the Plaintiff, from which it reveals that Muniya @ Dosa and his wife Munivenkatamma had four children viz., Muniyamma @ Baddamma, Thimmakka, Muniyamma @ Muniythayamma and Rajappa. This Muniyamma @ Munithayamma is shown as dead in the G-Tree. However, at this stage the Plaintiffs have not dispute the fact that Muniyamma @ Munithayamma is one of the daughter of Muniya @ Dosa. However, it is for the applicant to establish before the court that she is the daughter of Munithayamma @ Muniyamma during the course of trail. This issue cannot be decided at this stage. Necessary party is a party, in whose absence an effective decree cannot be passed by this court. Proper party is a party in whose presence assist the court for effective adjudication of the dispute between the parties. As per the affidavit of the applicant at this stage it appears that the interest of the applicant is also involved in the suit. In a suit for partition all the Plaintiffs can be treated as defendants and all the defendants can be treated as Plaintiffs. However, as the Plainiffs No.1 to 10 have dispute the relationship of applicant, applicant can be ordered to be impleaded as Defendants No.3. Otherwise, it would lead to multiplicity of proceedings. Therefore, I come to conclusion that appliant is



necessary party in this suit and she has to be impleaded as defendant No.3 instead of Plaintiff No.11. With these reasons

I answer Point No.1 in the “Affirmative”.

8. Point No.2:- In view of my answer to Point No.1, I proceed to pass the following :-

ORDER

I.A.No.10 filed by the applicant Jayamma under order 1 Rule 10(2) of CPC is hereby allowed in part.

Applicant Smt. Jayamma is ordered to impleaded as Defendant No.3 as the Plaintiffs No.1 to 10 have dispute the relationship with applicant.

Plaintiffs counsel is directed to carry out the amendment in cause title of the plaint by incorporating the applicant Jayamma as Defendant No.4 and to file amended plaint.

(Order Dictated to the Stenographer through on computer, typed by her and corrected by me and then pronounced in the open Court on this the 14th day of July, 2025).

Prl. Senior Civil Judge & CJM,
Ramanagara.