

Orders on IA No.11 filed under Order I Rule 10(2) R/w
Section 151 of C.P.C.,

The applicant/proposed plaintiff has filed the application to permit the plaintiff to amend the plaint detailed in the application.

2. In the affidavit annexed to the application, the proposed plaintiffs has stated that, the plaintiffs have filed the suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties. Further it is stated that, at the time of filing the present suit, their counsel inadvertently did not include his aunt's children as parties to the suit, despite their legitimate rights over the suit schedule property. Further they are the legal heirs of the deceased Chikkanarayana and the children of late Hanumamma and Venkatamma. Due to an oversight, he did not implead his cousins as parties to the suit, as his aunts were married and residing separately. Further, he recently became aware of this omission and informed his advocate about the same on 06.01.2025. Consequently, his counsel approached this Court by filing the necessary

application. However, the application was submitted without providing sufficient documentary proof to establish their status as legal heirs of the deceased Chikkanarayana.

3. Further it is started that, at the time of filing the suit, in page No.4 of the plaint, he had included his aunts in the genealogical tree but did not mention the names of their children, as they were residing separately, and he was unable to trace their whereabouts. However, he recently learned on 06.01.2025 that they are interested in contesting the suit, given their legitimate right and title over the suit schedule property. Additionally, they are not parties to the alleged sale deeds. Therefore, their presence in the suit is essential for its effective adjudication. Upon legal consultation, his advocate advised him that they have a rightful claim over the property and recommended filing an impleading application to bring his cousins on record as proper and necessary parties. Their inclusion as plaintiffs No.7 to 10 is crucial for the just and comprehensive determination of all issues in the suit.

4. In light of the above facts and circumstances, the proposed plaintiffs humbly submit that if this Hon'ble

Court does not permit me to implead the proposed plaintiffs as sought in the annexed application, he will suffer grave loss and hardship and will be unable to obtain the relief sought. Furthermore, to prevent multiplicity of proceedings, the proposed plaintiffs are proper and necessary parties to the suit. Their impleadment will not cause any hardship or prejudice to the opposing side. Therefore, he prays to allow the annexed application and permit the impleadment of plaintiffs No. 7 to 10 for the effective adjudication of all issues involved in the suit. Hence, the application.

5. The defendant No.8 has filed objection stating that, the application is not maintainable and contended that, the proposed plaintiffs have no locus standi to file the present application. Further contended that, the proposed plaintiffs already filed the same L.A before this Court on 16-01-2025 and the same was dismissed on 31-01-2025 and now, the same proposed plaintiffs again filed the same I.A before this Court with an intention to drag the proceedings of the suit and nothing else. Further contended that, in support of the contents made in the application as well as the affidavit, the proposed plaintiffs have not at all placed any materials to

believe the contents made in the affidavit and there is no merits or bonafide in the instant application. Further contended that, when the proposed plaintiffs are not at all necessary parties in the instant suit, the present application is does not survives and the same is liable to be dismissed. Further the present application filed by the proposed plaintiffs is only to drag the proceedings and to harass this defendant No.8 by colluded with the other plaintiffs and defendants No.1 to 6. Hence, the proposed plaintiffs is not the necessary parties in the present suit. If the application is rejected no hardship will be caused to the plaintiffs and if the same is allowed great hardship caused to this defendant. Hence, prays to dismiss the application.

6. Heard and perused the affidavit and objection filed by the proposed plaintiffs and proposed defendant No.8 and the case records.

7. The following points arise for my determination:

1. *Whether the application as deserves to be allowed?*
2. *What order?*

8. My findings on the above points are as under:

Point No.1 : *In the Affirmative;*

Point No.2 : *As per final order
for the following:*

:REASONS:

9. This suit is filed by the plaintiffs seeking for the relief of partition and separate possession and other reliefs against the defendants in respect of the suit schedule property. The proposed plaintiffs have filed the present applications to implead them as plaintiffs. The defendant No.8 has filed detailed objection to the above application and stated that, already same application rejected on 31.01.2025 and same proposed plaintiffs again has filed the above application. In the application is it stated that they are the members of the joint family and at the time of the filling of the suit they have not shown as a necessary parties to the present suit. On careful perusal of the family tree it shows that the proposed plaintiffs are the joint family members through their mothers. Further on going through the evidence of Pw-1 in the cross examination it is admitted that, the said Hanumamma and Venkatamma of his father and are the joint family members and they are not a made parties to the present suit. It is also pertinent to not that at the time of cross of Pw-1 it is suggested that

Hanumakka and another are not made as party in this suit, which is admitted by the plaintiff. At this juncture, now they are the necessary parties to the suit for the proper adjudication. Because, in their absence if the suit is decided they will suffer hardship and the reasons assigned by the proposed plaintiffs seems to be genuine and it is necessary to implead the proposed plaintiffs in the case. Therefore, they are necessary parties to the suit. Hence, to meets ends of justice, the application deserved to allowed. Therefore, **Point No.1 is answered in the Affirmative.**

10. **Point No.2:** Based on finding in Points No.1, I proceed to pass the following:-

ORDER

IA.No.11 filed under Order I Rule 10(2) R/w 151 of CPC., by the applicant/proposed plaintiffs is allowed.

The proposed plaintiffs are impleaded as the plaintiffs No.7 to 10.

Call on for amendment by:
05.08.2025

**1st Addl. Sr.C.J & JMFC.,
Ramanagara.**