

I.A filed by the	Applicant
Date of filing of I.A	02.12.2024
Date of filing of Objection	-
Date of Order	08.10.2025

ORDERS ON I.A.NO.22

This application is filed by the applicant Shivarathnamamma requesting the court to implead her as Plaintiff No.8 in the suit for the reasons stated in the affidavit.

2. In the affidavit filed accompanying this application, Applicant Smt. Shivarathnamma states that she is one of legal heir of deceased Plaintiff. The Defendant No.1(a) to (e) are her brothers and she is the only daughter of late Marigamma-1st Plaintiff. The Plaintiffs have not impleaded this applicant. Hence, she files this application seeking her impleadment. If this application is not allowed she would be put to hardship and injury. Hence, she prayed for allow this application.
3. On the other hand, Plaintiff Lrs., have not filed objection to this application.
4. Heard both the sides and perused the materials on record.
5. The following points arise for my consideration:-
 - (1) Whether presence of applicant, Smt. Shivarathnamma is necessary in this suit for effective adjudication of the dispute between the parties to 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:-** Admittedly the present suit is filed by the plaintiffs against the defendants for the relief of partition and separate possession with respect to suit properties. Admittedly, during pendency of the suit 1st Plaintiff Marigamma died and his legal heirs were come on record. As per the affidavit of applicant she is the only daughter of Marigamma. That Lrs., of the 1st Plaintiff have not impleaded the applicant as party to the proceedings and she has got share as coparcenar in the suit properties. The fact that applicant is the daughter of late Marigamma 1st Plaintiff and sisters of Defendants No.2 to 6 has not been disputed by the other plaintiffs or Defendants No.2 to 6. The right of the applicant has to be adjudicated in this suit, if this application is rejected, it would lead to multiplicity of proceedings. In order to avoid multiplicity of proceedings and to avoid the future complications between the parties to the suit and effective adjudication of the dispute in the suit itself, it is necessary to implead the applicant as necessary party in the suit. Moreover, in her absence, an effective decree cannot be passed. It is well settled that the court can at any stage in a proceedings either on application made by the parties or otherwise. direct impleadment of any

person as a party who ought to have been joined as plaintiff or defendant or whose presence before the court is necessary for effective and complete adjudication of the issues involved in the suit. Considering the fact that applicant is the daughter of late Marigamma-1st Plaintiff and sister of Defendants No.2 to 6, this court is of the opinion that in the absence of applicant, an effective decree cannot be passed in this suit and her presence is very much necessary for effective and complete adjudication of the issue involved in this suit. Moreover, if this applicant is impleaded as Plaintiff No.8, no injustice would be caused to the plaintiffs. For the forgoing reason, **I answer Point No.1 in Affirmative.**

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

ORDER

I.A.No.22 filed by the Applicant by name Smt. Shivarathna under order I Rule 10(2) r/w Sec.151 of CPC is hereby allowed.

The Applicant by name Smt. Shivarathna is ordered to be impleaded as Plaintiff No.8 in this suit.

Plaintiffs counsel is directed to carry out the amendment by incorporating names of Applicants by

name Smt. Shivarathna as Plaintiff
No.8 in the suit and directed to file
amended plaint.

(Lokesha)
Prl. Senior Civil Judge & CJM,
Ramanagara.

I.A filed by the	Applicant
Date of filing of I.A	06.06.2025
Date of filing of Objection	17.05.2025
Date of Order	08.10.2025

ORDERS ON I.A.NO.23

This application is filed by the applicant Sanjaykumar requesting the court to implead him as defendant No.10 in the suit for the reasons stated in the affidavit.

2. In the affidavit filed accompanying this application, Applicant Sri. Sanjaykumar states that his father has executed gift deed on 06.03.2024 with respect to 2 acres 38 guntas in Sy.No.38/3 totally measuring 3 acres 3 guntas, therefore, this applicant is necessary party in this suit. If this applicant is not impleaded he would be put

irreparable loss and injury. Hence, he prayed for allow this application.

3. On the other hand, Plaintiffs Advocate has filed objection to this application contending that the application is not maintainability either in law or on facts. That application is filed only to protract the proceedings. It is further contended that applicant would not get any right, title based on the gift deed with respect to item No.3. Hence, it is prayed to dismiss the application.

4. Heard both the sides and perused the materials on record.

5. The following points arise for my consideration:-

(1) Whether presence of applicant, Sri. Sanjaykumar is necessary in this suit for effective adjudication of the dispute between the parties to 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:- Admittedly the present suit is filed by the plaintiffs against the defendants for the relief of partition and separate possession with respect to suit properties. As per the affidavit of the applicant during the pendency of the suit, his father has executed gift deed on 06.03.2024 with respect to suit item No.3 in his favour, as such he is necessary party in this suit. It is true that as gift deed is executed during pendency of the suit, rule of lis-pendence would apply. However, applicant is bound by the decree of this court. As the suit is filed for partition and separate possession in order to decide the right of the father of this applicant to execute the gift deed, presence of the applicant is very much necessary. The right of the applicant has to be adjudicated in this suit, if this application is rejected, it would lead to multiplicity of proceedings. In order to avoid multiplicity of proceedings and to avoid the future complications between the parties to the suit and effective adjudication of the dispute in the suit itself, it is necessary to implead the applicant as necessary party in the suit. Moreover, in her absence, an effective decree cannot be passed. It is well settled that the court can at any stage in a proceedings either on application made by the parties or otherwise. direct impleadment of any person as a party who ought to have

been joined as plaintiff or defendant or whose presence before the court is necessary for effective and complete adjudication of the issues involved in the suit. Considering the fact that applicant is claiming his right in respect of item No.3 based on the gift deed executed by his father during pendency of this suit, this court is of the opinion that in the absence of applicant, an effective decree cannot be passed in this suit and her presence is very much necessary for effective and complete adjudication of the issue involved in this suit. Moreover, if this applicant is impleaded as defendant No.10, no injustice would be caused to the plaintiffs. For the forgoing reason, **I answer Point No.1 in Affirmative.**

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

ORDER

I.A.No.23 filed by the Applicant by name Sri. Sanjaykumar under order I Rule 10(2) r/w Sec.151 of CPC is hereby allowed.

The Applicant by name Sri. Sanjaykumar is ordered to be impleaded as defendant No.10 in this suit.

Plaintiffs counsel is directed to carry out the amendment by incorporating names of Applicants by

name defendant No.10 in the suit
and directed to file amended plaint.

Sri. S.M.H. Advocate files vakalath
for Plaintiffs No.1 Lrs., Plaintiff No.7
Lrs., with no objections from
previous counsel.

For amendment of plaint
by:25.10.2025.

(Lokesha)
Prl. Senior Civil Judge & CJM,
Ramanagara.