

**ORDERS ON IMPEADING APPLICATION FILED BY APPLICANT**  
**BY NAME SRI. M.S.KANTHARAJU**

The said applicant has filed the present application seeking to implead him as respondent No.3 in the said matter, the application is annexed with affidavit, wherein it is submitted that, the petitioner has filed a false petition to get the death certificate of his mother with the help of this court and it is also submitted that, he has given wrong cause title and that he is the son of Shivalingegowda @ Swamy. On the other hand, the name of the husband of his mother is not Shivalingegowda @ Swamy. Hence, it is a false petition. It is also submitted that, the petitioner and his late mother had filed partition suit against the present applicant and his mother and also sister before this court in O.S No.432/2016 which later came to be returned to the plaintiff to file before appropriate court. Hence, a suit before Hon'ble Senior Civil Judge and JMFC, Kanakapura in O.S No.72/2019 is filed and pending for consideration. Now only in order to get unlawful gain the present petition is filed. However, the father's name of petitioner is shown to be Swamy in his caste and school certificate and in the ration card it is shown as Dasaiah. Hence, with the said contention, it is the submission of the applicant that, he is the necessary party. Hence, prays to allow him to represent the same accordingly.

On the other hand, the petitioner has filed objection by denying the contentions raised by the said applicant and it is specifically submitted that he is the son of Shivalingegowda @ Swamy who had two wives namely Gowramma and Shivalingamma. Hence, now he is intending to obtain the death certificate of his mother and he has relevant proof of the same. Hence, the said application is filed only to harass the petitioner and the applicant is not the necessary party to the present proceedings and prays to reject the same in the interest of justice and equity.

Matter is heard on both the sides.

This Court has also verified the materials on record which is filed by both the ends. Now, based upon the nature of the petition it is very much clear that, if at all any one has any objections with respect to the relief sought by the petitioner can approach the court to file objection. In the present matter, the stage was set down for recording of evidence and it also reflects that, respondent No.1 & 2 have contested the matter by filing detailed objections. Meanwhile the present application is filed, wherein, there is a clear dispute with respect to the very relief sought by the petitioner and when such an objection is raised it would not be appropriate to disregard the same rather by giving an opportunity for the said applicant to come on record will aid in proper adjudication of the matter and also avoid multiplicity of proceedings. However, it is clear that, the present petition is for a limited purpose and any objections or evidence would only pertain to the said aspect of purpose only. Hence, there lies no impediment to consider the said application by over ruling the objections raised by the petitioner. Hence, this court proceeds to pass the following:

**ORDER**

The application filed by the applicant U/s 13(3) (b) of Birth and Death Act is hereby allowed. The applicant is impleaded as respondent No.3 in the matter.

The petitioner shall carry out amendment before the concerned CMO and furnish amended petition accordingly.

For compliance 26.02.2026.

Sd/-

**I A.C.J & J.M.F.C., Kanakapura.**