

ORDERS ON I.A NO.II.

Applicant/ proposed D5 has filed I.A No.II Under Order 1 Rule 10(2) of C.P.C to add proposed D5 as D5 in the cause title of plaint. On going through the above application it is seen that the applicant/ proposed D5 is the daughter of deceased Sri. M.Govindaraju and defendant No.1, as such she is co-sharers with respect to the family property. The present suit is filed for the relief of partition and separate possession of with respect the suit property. On going through the birth certificate of applicant, it clearly shows that the applicant was born on 15.03.1998 to the deceased Sri.M.Govindaraju and D1 herein. Hence she is necessary party to this suit but the plaintiff is not arrayed her as party to this suit. In a suit of partition, there could be no doubt that all the sharers are necessary parties. But the plaintiff has not been impleaded her as party to the suit. So, the suit is bad for non-joinder

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of necessary parties. In a suit for partition without impleading all the co-sharers is not maintainable and it is the settled law. Accordingly passed following order:

ORDERS

The I.A No.II filed by the applicant Under Order I Rule 10(2) R/w Section 151 of C.P.C is hereby allowed.

Court is directed to the plaintiff to add the proposed D5 as D5 in the cause title of plaint.

For amendment of plaint and to furnished amended plaint.

Call on 20.07.2024.

**Civil Judge and JMFC.,
T.Narasipura.**