

IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC.,
KUNIGAL
Present:

Sri. Manjunath Shivapooji, B.A., L.L.B.,

Addl Civil Judge & JMFC., Kunigal.

Dated: 12th day of March, 2025

O.S.NO. 48/2013

Plaintiff : Chikkegowda
V/s

Defendants : Ningegowda and another

I.A.

Applicant : M.C.Seethuram
V/s.

Opponents : Ningegowda and another

ORDERS ON APPLICATION FILED BY THE APPLICANT
UNDER ORDER I RULE 10 OF CPC

On perusal of plaint, it appears that plaintiff has filed this suit for the relief of declaration and permanent injunction against the defendants with respect to suit property.

2. The applicant filed IA U/O 1 Rule 10 of CPC to implead proposed defendants as defendant No.3 and 4 in this suit. The applicants have contended that, the proposed defendants are the daughters of deceased original plaintiff. Hence, they are the necessary parties to this suit. If they have impleaded as defendant No.3 and 4, no harm will be caused to plaintiff and defendants. Hence, prayed to allow the application.

3. The proposed defendants after service of notice, they have remained absent before this court.

4. Heard arguments.

5. On basis of the application and documents on record, the following points that arise for the determination of this court.

1. Whether the application deserves to be allowed?

2. What order?

6. 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

7. Point No.1 : The original plaintiff has filed the present suit for the reliefs of declaration and permanent injunction with respect to the suit schedule property against the defendants.

8. This court has perused the documents produced by applicants in support of their IA. On perusal of those documents and affidavit of applicant, this court has come to the conclusion that, the proposed defendants are necessary parties to the suit.

9. Therefore, this court is of the opinion that to decide the matter fully and finally the IA filed U/O 1 Rule 10 CPC is deserves to be allowed. In the absence of proposed defendants suit cannot be decided. If the application is allowed and the

proposed defendants are brought on record as defendant No.3 and 4, no harm will be caused to the plaintiff and defendants. Hence, to avoid the multiplicity of the proceedings, this court inclined to allow the IA U/O 1 Rule 10 CPC in the interest of justice and equity. Accordingly, Point No.1 is answered in the **Affirmative.**

10. Point No.2: For the above discussed reasons, this court proceeds to pass the following:

ORDER

IA filed U/O 1 R 10 of CPC is hereby
allowed.

The plaintiff is directed to amend the
cause title and to furnish amended plaint
by 21.04.2025.

Sd/-
Addl Civil Judge and JMFC,
Kunigal.