

This is I.A.No.I filed by the petitioner under Order I Rule 10 R/w. Sec. 151 of C.P.C. seeking to implead the proposed respondents to the petition.

In the affidavit filed along with I.A.No.I, it is stated that in O.S.No.14/2009 filed on the file of this court, the plaintiffs were declared to be entitled to 1/3rd share and an appeal filed against the judgement of that case was dismissed in R.A.No.22/2012. The proposed respondents were not made as parties by oversight. They were the plaintiffs No.1 to 9 in O.S.No.14/2009 and they are to be necessarily made as parties in this case for effective adjudication of the controversy involved in the suit. Accordingly, he has prayed to allow I.A.No.I.

After filing of the I.A.No.I, the notice was issued to the proposed respondents. The proposed respondents have appeared through their counsel.

Heard on both sides & perused the materials.

As per Order I Rule 10 of C.P.C., the Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may

appear to the Court to be just, order that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

As per this provision of law, this Court is having power to add parties in the suit during the pendency of the suit at any stage. The petition is for the relief of final decree proceedings. The proposed respondents were the plaintiffs in O.S.No.14/2009. Their share was declared in that suit to the extent of $1/3^{\text{rd}}$. Therefore, the proposed respondents are necessary parties in order to adjudicate the controversy involved in the petition effectively and completely. Moreover, if the proposed respondents are impleaded as parties, no harm caused to other side including proposed respondents rather it helps in effective adjudication. In support of my opinion, I have relied on the decision

of Hon'ble Supreme Court cited in ***A.I.R. 1958 SC 886***. Therefore, I am of the opinion that the petitioner has made out sufficient grounds to allow I.A.No.I. Hence I proceed to pass the following:-

:: ORDER ::

I.A.No.I filed by the petitioner U/O.1 Rule 10 R/w. Sec. 151 of C.P.C. is hereby allowed.

The proposed respondents are made as respondents No.6 to 14 to the petition.

The petitioner is hereby required to carry out the amendment of the petition and furnish the amended petition forthwith.

No order as to costs.

Civil Judge, Siddapur.