

This is I.A.No.II filed by learned counsel for the petitioner under Order I Rule 10 of C.P.C. seeking to implead the proposed respondent No.15 to the proceedings.

In the affidavit filed along with I.A.No.II, it is stated that the proposed party was the defendant No.5 in O.S.No.14/2009 from which the present FDP is filed; she was not brought on record by over sight. She is necessary party to the proceedings. Accordingly, he has prayed to allow I.A.No.II.

After filing of the I.A.No.II, the notice was issued to the proposed respondent No.15. The proposed respondent did not appear before the Court despite service of notice.

Heard learned counsel for the petitioner & 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 proposed respondent No.15 was the defendant No.5 in O.S.No.14/09 as seen from the copy of the judgement. She was also the respondent No.10 in R.A.No.22/12 which was filed against the judgement of this court as seen from the copy of the judgement. The instant petition was filed on the basis of the said judgements passed for the relief of partition and separate possession.

Therefore, the proposed respondent No.15 is necessary party in order to adjudicate the controversy involved in the suit effectively and completely. Therefore, I am of the opinion that the petitioner has made out sufficient grounds to allow I.A.No.II. Hence I proceed to pass the following:-

**:: O R D E R ::**

I.A.No.II filed by learned counsel for the petitioner U/O.1 Rule 10 of C.P.C. is hereby allowed.

The proposed party is made as respondent No.15 to the proceedings.

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

Civil Judge, Siddapur.