

**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
AT LAXMESHWER.**

Dated this the 10th day of June 2025.

Present :

Sri. Bharath Yogeesh Karagudari.

BAL, LLM.,

**Senior Civil Judge & JMFC,
Laxmeshwar.**

ORIGINAL SUIT No. 119/2024

Plaintiff/s : Veerayya S/o Prabayya Mathapathi

/VS/

Defendant/s : Shekharayya S/o Prabhayya Mathapati

I.A. No. II

Applicant : Chandrashekhar S/o Baddeppa Lamani

/Vs/

Opponent : Veerayya S/o Prabayya Mathapathi

**ORDER ON I.A. II FILED UNDER ORDER, I RULE 10(2)
READ WITH 151 OF CPC**

The applicant has filed applications under order I Rule 10(2) of C.P.C, praying to implead themselves as proposed defendants No.2 and 3 in this suit.

2. The application is supported with the affidavit duly sworn to by the applicant, submits in his affidavit that, the defendant

No.1 to meet his family legal necessity has sold Sy.No.130/2 & 130/3 to him on 08-10-2024 and Sy.No.130/4 to the defendant No.3. He further submits that the suit property is their absolute property and the plaintiff are falsely claiming the rights over the suit property. Without making them as a party the plaintiff is trying to gulp the same. The applicant deny the titles of the plaintiff and assert himself as the owner. Therefore he becomes the necessary and proper party to the suit and pray to implead in the suit in order to adjudicate the matter on hand. Hence, the application.

3. Per contra, the plaintiff has filed his objection contending that, except the suit properties on 07-04-2018 the ancestral properties of the plaintiff and the defendant are partitioned and the fact is well within the knowledge of the applicant. Further it is also well within the knowledge of the applicant that the plaintiff has share in the suit properties. Therefore, the applicant has no right title and interest over the suit property and noway connected to the suit. Therefore, he is not a necessary party and the I.A. is not maintainable and, deserves to be dismissed.

4. Heard arguments on both sides perused the records.

5. The following points arise for my consideration.

1. Whether I.A. No.2 deserves to be allowed?

2. What order?

6. My answers to 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:** Both the learned counsel for plaintiff and applicants have reiterated what is stated by them in their respective application and objections thereto. I have gone through the entire records of the case. This suit is filed by the plaintiff is for the relief of partition and septate possession against the the defendant with respect to the property. The applicant contend that the defendant No.1 to meet his family legal necessity has sold Sy.No.130/2 & 130/3 to him on 08-10-2024 and Sy.No.130/4 to the defendant No.3. Further, he also deny the title and possession of the plaintiff over the suit property. Therefore, he assert that his rights and interest are involved as such he becomes a necessary party to the suit. On the other hand the plaintiff contend that in order to gulp his share the applicants are falsely claiming the rights over the suit property. Therefore, he is not a necessary and proper party to the suit.

8. On perusal of records it is noted that, the defendant No.1 has sold the suit properties to the applicant. Thus, the subject matter is one and the same. Thus, there is no impediment to conclude that their rights and titles are involved in the case. Therefore, they becomes the necessary and proper party for adjudication of the suit, as their interest is involved thereof.

9. Calumniating the above facts and circumstances it is in conclusive that the Applicant is necessary & proper parties to the suit and his presence is necessary for proper adjudication of the case and avoid multiplicity of the proceedings. Therefore, I opine that the applicant is required to be impleaded as parties to the suit. Hence, **point No.1 is answered in affirmative.**

10. **Point No.2:** For the reasons stated and findings given to point No.1, I proceed to pass the following.

ORDER

I.A. No.2 filed by the applicant under order I Rule 10(2) read with 151 CPC is hereby allowed.

Plaintiff is directed to implead the applicant as defendant No.2 and 3 on record & furnish amended plaint.

(Directly dictated to the Typist on computer and print out taken by him, and then corrected and pronounced by me in the open Court on this the 10th day of June 2025).

(Bharath Yogeesh Karagudari)
Senior Civil Judge & J.M.F.C.,
Laxmeshwar.