

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
SHAHAPUR

Dated this the 14th day of July- 2025

Present: Smt. Hema Pastapur, B.A.,L.L.B.
SENIOR CIVIL JUDGE & JMFC, SHAHAPUR

OS No.93/2019

Plaintiff: Lachamanna S/o Bheemaraya

(By Sri.M.R.B., Advocate)

Defendants: Hanamanthi W/o Tippanna Hulkal & Ors.

(D3 By Sri.H.C.K., Advocate)

(D5 By Sri.T.N. Advocate)

(D1, 2 & 4-Exparte)

Proposed Defendants No.6 & 7

6. Shankrenna W/o Ambanna Desai, Age 65 years,
Occ.Agri, R/o Sirwal, Tq. Shahapur, Dist. Yadgir.
7. The Branch Manager, Canara Bank Sirwal,
Tq. Shahapur, Dist. Yadgir.

(Absent)

*** * * ***

Order on IA NO.9

1. That, the plaintiff/ applicant has filed the application U/o I Rule 10 of CPC, with a prayer to implead the proposed defendants in present suit.

2. That, the plaintiff/ applicant in her affidavit has pleaded that the suit item No.3 has been mortgaged in favour of the proposed defendants No.6 and 7 and at the time of filing the present suit due to oversight she has not impleaded the said proposed defendants No.6 and 7 in present case. Hence, it is very much necessary to implead the proposed defendants No.6 and 7 as they are necessary parties to the suit.

3. That, the defendant No.5 filed his objections to said application and contended that, the plaintiff has not made out the grounds to implead the proposed defendants in this case. That, the proposed defendants No.6 and 7 have remained absent.

4. That, I have heard the arguments and perused the materials placed on record.

6. That, the following points arise for My consideration and determination.

1. Whether the applicant has made out the grounds that the proposed defendants No.6 and 7 are the necessary parties to the suit?

2. What order?

7. That, My answer to the aforesaid points are as under;

Point No.1: In the **AFFIRMATIVE**.

Point No.2: As per the final order
for the following;

REASONS

8. **Point No.1:** That, the applicant has contended that, the suit property item No.3 had been mortgaged to the proposed defendants No.6 and 7 and they become the necessary parties to the suit and it is very much necessary to implead them in present suit.

9. It is to be noted here that, the present suit is one for Partition and Separate Possession. It is to be noted here that, though the proposed defendants No.6 and 7 are not necessary parties to the suit but they are proper parties and if all they are impleaded in present case then no prejudice will be caused to other side. Hence, **Point No.1 is answered in the AFFIRMATIVE.**

10. **Point No.2:** That, as discussed on point No.1, I proceed to pass the following;

ORDER

That, the application filed by the plaintiff/
applicant in IA No.9 is hereby allowed.

That, the plaintiff is permitted to implead
the proposed defendants No.6 and 7 in present case
and carry out the amendment and file amended
plaint.

(Directly dictated to the stenographer, typed by her, corrected by me and then pronounced in the open Court on this 14th day of July, 2025).

(Hema Pastapur)
Senior Civil Judge & JMFC,
Shahapur.