

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,

SHAHAPUR

Dated this the 17th day of July- 2025

Present: Smt. Hema Pastapur, B.A.,L.L.B.

SENIOR CIVIL JUDGE & JMFC, SHAHAPUR

OS No.209/2022

Plaintiffs: Radhika & Ors.

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

Defendants: Kirthamma & Ors.

**(D1 to 8 & 10 By Sri.U.B.M.,Advocate)
(D9-Exparte)**

Proposed Defendants No.11 to 13

11. Tamma W/o Mallanna @ Mallareddy @ Mallikarjun,
12. Ammenreddy S/o Mallanna @ Mallareddy @ Mallikarjun
13. Sandeep S/o Mallanna @ Mallareddy @ Mallikarjun

(Prop.D11 to 13 By Sri.R.N.D, Advocate)

* * * *

Order on IA No.II

1. That, the proposed Defendants No.11 to 13/ applicants have filed the application U/o I Rule 10(2) R/w Sec. 151 of CPC, with a prayer to implead them in present suit.
2. That, the proposed defendants No.11 in her affidavit has pleaded that she is the legally wedded wife of one Shri Mallanna @ Mallareddy @ Mallikarjun and out of their wedlock proposed defendants No.12 and 13 are born. That, this defendant has further contended that, the

plaintiff No.2 is having illegal relationship with the said deceased Mallanna @ Mallareddy @ Mallikarjun and plaintiff No.1 is their legitimate son and hence they are having no right and share in the suit property. That, these defendants have further pleaded that, the plaintiffs with an intention to dupe the rights of the present proposed defendants have filed the present suit without impleading them.

3. That, the plaintiffs have filed their objections to said applications and have contended that the plaintiff No.2 is the legally wedded wife of deceased Mallanna @ Mallareddy @ Mallikarjun and plaintiff No.1 is their daughter and the proposed defendant No.11 is no way concerned with the said deceased Mallanna and they are also not his legal heirs. Hence, the present application is not maintainable and prayed for rejecting the same.

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

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

1. Whether the applicants have made out the grounds that they are the necessary parties to the suit?

2. What order?

6. 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

7. **Point No.1:** That, the applicants have contended that, the proposed defendant No.11 is the legally wedded wife of the deceased Mallanna and proposed defendant No.12 and 13 are their children. In view of the same they become the necessary parties to the suit.

8. It is to be noted here that, the present suit is one for Partition and Separate Possession. It is to be noted here that, a necessary parties one without whom no effective decree can be passed. It is to be noted here that, in the present case the proposed defendants No.11 is claiming that she is the legally wedded wife of said deceased Mallanna and proposed defendant No.12 and 13 are their children and the same is denied by the plaintiffs. It is to be noted here that, to ascertain whether the proposed defendants are related to the deceased Mallanna or not it requires full-pledged trial. That, in this case the proposed defendants No.11 to 13 becomes the necessary parties to the suit. Hence, without much discussion **Point No.1 is answered in the AFFIRMATIVE.**

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

ORDER

That, the application filed by the proposed defendants No.11 to 13/ applicants in IA No.II is hereby allowed.

That, the plaintiffs are directed to implead the proposed defendants No.11 to 13 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 17th day of July, 2025).

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