

ORDERS

This is an application filed under Order I Rule 10(2) CPC by the counsel for applicants/children of respondent No.3 to implead them as parties to the petition stating that, schedule properties are ancestral and they are in joint possession of the same but respondent No.3 who is having 1/4th share as per judgment and decree in O.S. NO.6660/1994 dated 13/08/1997 acting detrimental to their interest and their shares have already been declared in O.S. No.1633/2018, as such they are necessary parties.

2. Records reveal that, though the counsel for respondent No.1 filed objections, later on counsel for respondents submitted no objections to allow as per submission dated 08/03/2021.

3. Heard and perused the material on record.

4. The point that arises for my consideration is:-

“Whether the presence of impleading applicants is necessary to enable this court effectually adjudicate upon and settle all the questions involved in the suit as sought for under I.A ?”

5. My answer to the above point is in the affirmative for the following:-

REASONS

6. Admittedly the petitioner Sri. Narayan has filed the present petition to pass final decree based on preliminary decree passed by this court in O.S. NO.6660/1994 dated 13/08/1997.

7. Records reveal that respondent already appeared and respondent No.2 reported to be dead leaving behind the L.Rs on record. It is the case of the applicants that respondent No.3 being the father is acting detrimental to their interest, accordingly they filed present application which has not been seriously disputed by the other side.

8. So, though the applicants are not necessary parties but in view of their grievance made out in the accompanying affidavit they are proper parties. Hence, application deserves to be allowed and proceed to pass the following:-

ORDER

Application filed under Order I Rule 10 (2) r/w Section 151 of CPC by the counsel for the applicants is hereby allowed.

No order as to cost.

For amendment, to furnish amended petition call with connected O.S. No.6871/2012 on 16/04/2021.

(C.D. Karoshi)
V ACC &SJ, Bengaluru.

