

KABC010051162024



**IN THE COURT OF THE | ADDITIONAL CITY CIVIL &
SESSIONS JUDGE (CCH – 02) AT BENGALURU**

PRESENT : **Sri. B.P. DEVAMANE, LL.M.,**
I Addl. City Civil & Sessions Judge,
Bengaluru City.

Dated this the 11th day of June 2026

O.S. No.1453 / 2024

PLAINTIFFS : **1. M/s. Srinivasa Trust,**
A Trust registered under the Indian Trust
Act, 1881,
having its Principal Office at 7/21, 1st
Cross, 9th Main, RMV Extension,
Bengaluru-560 080.

Rep. by its Trustee and Authorised
Signatory Sri.D.A.Srinivas.

2. Smt. Kalpaja Dalavoi,
Aged about 57 years,
Trustee of M/s.Srinivasa Trust,
No.87, Sai Keshav, Opposite Sai
Gardens, Seegahalli,
Bengaluru-560 067.

(By **Sri. Shravan Madhav K.P., Adv.**)

- VS -

DEFENDANTS

- : 1. D.A. Thejeshwari,**
Aged about 57 years,
W/o K.M. Srinivasa Murthy,
R/at No.5/25, 10th Main, 13th Cross,
Jayanagara, 1st Block,
BENGALURU – 560 066.
- 2. Smt. Ekta Kukreja,**
Director of Anushka Constructions Pvt.
Ltd.,
D/o late Sri. Nanda Kumar Bashomal
Menda,
Aged about 48 years,
R/at Flat 21B, Kingfisher Towers,
Kasturba Road Cross,
BENGALURU – 560 001.
- 3. M/s. Anushka Construction Pvt. Ltd.,**
A Company incorporated under the
Companies Act, 1956
having its registered office at No.100/1,
City Center, Opp. Town Hall, J.C. Road,
BENGALURU – 560 002.
Rep. by its Director,
Sri. Avnash Amarlal.
- (D1 by Sri. B.K. Narendra Babu;**
D2 & D3 by Sri. P.S. Gurumurthy,
Advocates.)

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Proposed
Plaintiff No.3

: Srinivas Adhikeshavulu Dalvoi
S/o late D.K. Adhikeshavulu Naidu,
Aged about 52 years,
Trustee of M/s. Srinivasa Trust,
R/o # 7/21, 1st Cross Main Road,
R.M.V. Extension,
BENGALURU – 560 080.

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ORDER ON I.A. No.23

Advocate for plaintiffs filed this IA under Order 31 Rule 2 r/w Order 1 Rule 10(2) & Section 151 of C.P.C., with prayer to implead proposed plaintiff No.3 in this suit.

2. In the affidavit supporting the IA, it is contended that plaintiff No.1 Trust filed this suit for specific performance. There are three trustees to plaintiff No.1 Trust i.e., 1. Kalpaja Dalavoi, 2. D.A. Srinivas & 3. D.A. Thejeshwari. Plaintiff No.1 Trust was represented by D.A. Srinivas, who has not been made as a party to the present suit in the capacity as a Trustee. Order 31 Rule 2 of CPC requires all trustees to be arrayed as parties to the suit filed by the Trust. D.A. Srinivas is not added as party to this suit as an independent trustee. As such, D.A. Srinivas is a necessary party to this suit. Hence, prayed to allow the IA.

3. Advocate for defendants orally opposed the IA.

4. Heard arguments. Perused the material on record.

5. Now the points that arise for my consideration are : -

1. Whether IA No.23 filed by plaintiffs under Order 31 Rule 2 r/w Order 1 Rule 10(2) & Section 151 CPC deserves to be allowed ?

2. What Order ?

6. My answer to the above points is as under : -

Point No.1 : In the Negative

**Point No.2 : As per the final order,
for the following : -**

REASONS

7. **POINT No.1** : Plaintiff No.1 Trust filed the suit for specific performance. Plaintiff No.1 is represented by its authorized signatory D.A. Srinivas to whom plaintiffs are claiming to implead as party as he is one of the Trustees. On perusal of paragraph No.2 of plaint, there are three trustees to the plaintiff No.1 Trust viz., 1. D.A. Srinivas, 2. Kalpaja Dalavoi (plaintiff No.2) and 3. D.A. Thejashwari (defendant No.1). As per plaint averments and cause title of the plaint, D.A. Srinivas, who is proposed to be added as plaintiff No.3 in this suit is the Trustee and authorized signatory of plaintiff No.1 Trust. D.A. Srinivas filed this suit in the capacity of Trustee and authorized signatory of the Trust. Thus, this proposed plaintiff No.3 D.A. Srinivas i.e., Srinivas Adikeshavalu Dalavoi, is already party to this suit in the capacity of Trustee and authorized signatory of plaintiff No.1 Trust.

8. On plain perusal of cause title of the plaint, D.A. Srinivas i.e., Srinivas Adikeshavalu Dalavoi, is representing the trust as a Trustee and authorized signatory of plaintiff No.1 Trust. Thereafter, plaintiff No.2 Kalpaja Dalavoi is also one of the trustees and another Trustee i.e., Smt. D.A. Tejashwari is arrayed as defendant No.1. All the three trustees are already on record in this suit. As such, again impleading this D.A. Srinivas as plaintiff No.3 does not arise. Accordingly, **Point No.1** is answered in the **Negative**.

9. **POINT No.2** : In view of the above, I proceed to pass the following : -

ORDER

I.A. No.23 filed under Order 31 Rule 2
r/w Order 1 Rule 10(2) & Section 151 of CPC
is rejected.

*Dictated to Senior Sheristedar (now under instructions to continue the work as Stenographer Grade I) directly on computer, computerized by him, revised, corrected by me and then pronounced in the open Court on this the **11th day of June 2026.***

(B.P. DEVAMANE)
I Addl. City Civil And
Sessions Judge (CCH-02),
Bengaluru City.