

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU**

Dated this the 19th day of February 2026

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

O.S.No.2077/2018

PLAINTIFFS : Kousalya & others.

V/s

DEFENDANTS : Rajkumar & others.

APPLICANTS : 1. Rathnamma,
W/o Late Govinda Raju,
Aged about 58 years.

2. Gopi,
S/o Govinda Raju,
Aged about 40 years,
R/o No.155/2, Bandepalya,
G.B.Palya, Bommanahalli Post,
Hosur Main Road,
Bengaluru – 560 068.

i.	Provision under which the application is filed	Order I Rule 10 R/w Section 151 of the Code of the Civil Procedure
ii.	Relief sought for	To permit the applicants to come on record as additional defendants.
iii.	The date on which the application is filed	04.11.2023

iv.	Number of the application	I.A.No.XII
v.	The date on which the objections are filed by different opponents	02.02.2024
vi.	The date on which the orders were passed on the said application	19.02.2026

ORDERS ON I.A.No.XII

The above named applicants have filed I.A.No.XII under Order I Rule 10 R/w Section 151 of the Code of Civil Procedure seeking an order to permit them to come on record as additional defendants.

2. In support of the I.A.No.XII, the 1st applicant has filed her affidavit.

3. The plaintiffs have filed objections to I.A.No.XII praying to dismiss I.A.No.XII.

4. Heard the arguments of the learned Counsels for the applicants and the plaintiffs on I.A.No.XII. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

Whether the applicants are proper or necessary party to this suit ? If so, what order?

6. My answer to the above point is in the Affirmative for the following:

REASONS

7. It is settled principles of law that 'a necessary party' is one without whom no order can be made effectively and 'a proper party' is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding. With this background, I perused the materials available on record.

8. The plaintiffs have filed this suit against the defendants for declaration to declare that the unregistered Release Deed and Will both dated 04.03.1993 said to have been executed by G.K.Shamaraju are not binding on the plaintiffs, the

Release Deed dated 26.12.2015 executed by G.K.Krishnappa and defendants No.2 to 4 in favour of the 1st defendant in respect of the suit schedule property is not binding on the plaintiffs and mandatory injunction directing the 5th defendant to cancel the Khatha of the suit schedule 'B' property, to demolish the unauthorized and illegal construction put up on the suit schedule 'B' property with recovery of possession of the suit schedule 'B' and 'C' properties and consequential relief of permanent injunction.

9. The claim of the plaintiffs made in the plaint and the contention taken in the statement of objections filed to the present application are that the suit schedule 'A' property is the self acquired property of Shamaraju, the husband of the 1st plaintiff and father of plaintiffs No.2 to 5 acquired through allotment/ grant under Ashraya Scheme by the Government of Karnataka represented by its Tahsildar dated 21.05.1992. The plaintiffs are claiming their right over the suit schedule property under succession. It appears from the additional written statement filed by the 1st defendant dated 12.06.2019,

they have contended that the suit schedule 'A' property belonged to Kurlappa. It further appears from the averments made by the 1st applicant in the affidavit filed in support of the present application that the said Kurlappa had three sons viz., Shamaraju, Krishnappa and Govindaraju. The plaintiffs are the LRs of Shamaraju. The defendants are the LRs of Krishnappa. The applicants are the LRs of Govindaraju. It is further contended that during the lifetime of Govindaraju, he let out shop premises measuring 425 square feet in the suit schedule 'A' property and he was collecting the rent with the permission of the defendants. Keeping in view of the above averments in the additional written statement of the 1st defendant, the applicants are property and necessary parties to this suit as their right in the suit schedule property are also pleaded by the 1st defendant in the additional written statement. Hence, I answer the above point in the Affirmative. In the result, I proceed to pass the following :

ORDERS

I.A.No.XII filed by the applicants under Order 1 Rule 10 R/w Section 151 of the Code of Civil Procedure is hereby allowed.

The applicants are permitted to come on record as defendants No.6 and 7.

The plaintiffs are hereby directed to carryout amendment to the cause title of the plaint by including the applicants as defendants No.6 and 7 in this suit by carrying out the necessary amendment to the cause title of the plaint.

No order as to cost.

(Typed by the stenographer in the Court computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court today on this the 19th day of February 2026)

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.