

O.S.No.2043/2019.

i.	Provision under which the application is filed	:	U/o 1 Rule 10 of CPC.
ii.	Relief sought for	:	Seeking for impleading the parties.
iii.	The date on which the application is filed	:	21.08.2025
iv.	Number of the application	:	IA No.IV
v.	The date on which the objections are filed by different opponents	:	12.011.2025
vi.	The date on which the orders were passed on the said application	:	06.07.2026

// ORDER ON IA NO.IV //

The plaintiff has filed IA No.IV U/o 1 Rule 10 to implead the proposed defendant No.6 and 7 in this case. This application is accompanied by the affidavit of the plaintiff. That on service of the notice of IA No.IV, the proposed defendant No.6 and 7 have appeared through their advocate. They have filed their detailed objections to IA No.IV.

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2. Heard arguments and perused the records. The following point arises for my consideration:

“Whether the proposed defendant No.6 and 7 are proper and necessary parties to this suit?”

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

// REASONS //

4. The plaintiff has filed the suit for partition of his share in the suit properties described in the schedule. The defendant No.1 and 2 are the parents and the defendant No.3 is the brother of the plaintiff and that they are said to be the joint owners of the suit schedule properties. That the defendant No.4 and 5 are said to be the purchasers of the suit property. Under IA No.IV the plaintiff is seeking to implead the proposed defendant No.6 and 7 who are the purchaser of the suit property. It is stated that the proposed defendant No.6 and 7 are said to have purchased the suit property from the defendant No.5 under the registered sale deed dated 6-6-2025, during the pendency of this suit. That the said sale deed is not binding on the rights of the plaintiff, as the defendant No.5 had no title to alienate the suit property. That the plaintiff claims to have come to know of the sale deed very recently. Hence, their presence in the suit is also required. Thus they are also necessary parties to this suit.

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5. The proposed defendants No.6 and 7 have filed objections stating that they are the bona fide purchasers of the suit property. That after verifying the title and possession of their vendor, they have purchased the property under registered sale deed for valid consideration of Rs.90,00,000/-. It is further stated that they were not informed of the pendency of this suit by their vendor. That they are in possession of the suit property. That on the strength of the purchase they claim to have availed the loan and are paying the EMI to the bank. Thus they have stated that they are not necessary party to this suit. Hence they have prayed to dismiss the IA No.IV.
6. A necessary party is one whose presence is absolutely necessary and without whose presence, the issues cannot be effectually and completely be adjudicated upon and decided between the parties. A proper party is one, whose presence would be necessary to effectually and completely adjudicate upon the dispute. Where the addition of the parties is necessary to make full and complete adjudication of the dispute, such party could be impleaded.
7. In the present case the proposed defendant No.6 and 7 are being impleaded in this suit, on the ground that, they have purchased the suit property. Since, their presence is necessary to decide the claims made by the plaintiff, they have to be impleaded. That the main objection raised by the proposed defendants that they are the bona fide purchasers, has to be considered at the main trial. Therefore, in order to adjudicate

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the claim of the plaintiff the proposed defendants are also necessary parties to this suit. In view of my above discussions, I am of the opinion that the proposed defendant No.6 and 7, are necessary parties to this suit and their presence is essential for the proper and effectual adjudication of the issues involved in this suit Hence I answer the point under consideration in the affirmative. Accordingly I proceed to pass the following:

// ORDER //

The I.A.No.IV filed by the plaintiff U/o 1 Rule 10 of CPC is allowed. The proposed defendant No.6 and 7 shall be isimpleaded as the defendant No.6 and 7. The plaint cause title shall be accordingly amended.

Call on for furnishing amended plaint by 20-07-2026.

(Saraswathi Devi)

II Addl. City Civil and Sessions Judge,
& Spl. Judge, Bangalore.