

KABC170038072025



**IN THE COURT OF LXXXV ADDL. CITY CIVIL & SESSIONS
JUDGE, AT BENGALURU (CCH-86) (Commercial Court)**

THIS THE 6th DAY OF APRIL 2026

**PRESENT:
SRI.ARJUN. S. MALLUR. B.A.L.LL.B.,
LXXXV ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.**

Com.OS.No.1691/2025

PLAINTIFF:

Ksquare Properties Private Limited

A Company incorporated under the Companies Act, 1956,
Having its registered office At No.14/10, Brindavan Nagar,
P And T Colony, Kouandampalayam,
Coimbatore, Tamilnadu - 641030

Represented By Its Authorized Representative
M Venkatachalam
S/o Mr. A Murugesan

(Represented by Sri.Vivek Holla, Advocate)

: Versus:

DEFENDANTS:

1. Mr. V R Raghurama Bhattar

S/o Late Sri. Raghavabhattar,
Aged about 49 years,

2. Smt. Sreelakshmi A

W/o Sri. V. R. Raghurama Bhattar,
Aged about 49 years,

3. Mrs. V R Ramyashree

D/o Sri. B. R. Raahu Ramabhattar,
Aged about 28 years,

4. Mr. Shankarshana Vinay V R,

S/o Sri. Raghu Ramabhattar,
Aged about 25 years,

Defendants No.1 to 4 are Residing At:
No.81, Konanakunte Cross,
Vasanthapura Bangalore South,
Subramanyapura
Bangalore - 560061

5. Mr. V R Mukunda,

S/o Late Sri. Raghavabhattar,
Aged 48 years,

6. Smt. R.S. Usharani,

W/o Sri. V. R. Mukunda,
Aged 42 years,

7. Mr. Vishnu Raghava,

S/o Sri. V.R. Mukunda,
Aged 19 years,

8. Master Koushal V M,

S/o Sri. V.R. Mukunda
Aged 18 years,

Defendants Nos. 5 to 8 are residing at:
R/At No.01, 9th Main
Near Veeranjaneya Temple
Puttenahalli, J. P Nagar 7th Phase
Bangalore - 560078

9. Mr.V R Sudarshana

S/o Late Sri. Raghavabhattar,
Aged 44 years,

10. Mr. Vishista Rabhava,

S/o Mr. V.R. Sudarshana,
Aged 18 years,

11. Mr. Rukminibhavana,

S/o Mr. V.R. Sudarshana,
Aged 18 years,

Defendants Nos. 9 to 11 are residing at:
Vasanthapura, Subramanyapura Main Road
Bangalore - 560061

12. Smt.Sowmyalakshmi M

D/o Late Sri. Raghavabhattar,
W/o Sri. M.G. Vijayasathy,
Aged 43 years,
Residing At No.41
Sri Ranganatha Layout
DRDO Phase II, Behind Mahadevapura
Bangalore - 560048

(Defendants No.1 to 12 are absent)

IA.NOS.V

Impeading Applicant: Mr. M.S. Praveen Kumar

(Represented by Sri.Ramu S, Advocate)

V/s

Opponent/Plaintiff: Ksqure Properties Private Limited

(Represented by Sri.Vivek Holla, Advocate)

(i)	Provisions under which the application is filed	Order I Rule 10 of CPC
(ii)	Relief sought for	Seeking to implead himself as defendant No.13 to the present suit
(iii)	The date on which the application is filed	05.02.2026
(iv)	Number of the application	I.A.No.5
(v)	The date on which the objections are filed by different opponents	27.02.2026
(vi)	The date on which the orders were passed on the said application	06.04.2026

ORDERS ON IA.NO.V

The applicant M.S. Praveen Kumar S/o Late M Shamaiah, Resident of Puttenahalli, J.P. Nagar, 7th Phase,

Bengaluru has file this application under Order I Rule 10 of CPC seeking to implead himself as defendant No.13 to the present suit alleging that he is a proper and necessary party to the suit.

2. It is contended by the applicant that the suit schedule property comprising of land bearing SY.No.25/3 measuring 30 gunts and 5 guntas of kharab situated at Puttenahalli Village, Uttarahalli Hobli, Bengaluru is not the property of the defendants as falsely represented in the suit but on the other hand it is an endowed temple property held in trust for the management of Puttenahalli Anjaneyaswami Temple. It is submitted that the schedule property originally belonged to one Tirumalappa S/o Naykara Munaiah. Through a registered gift deed dated 16.12.1913 the said property came to be gifted to one Mr. Munishami S/o Kadarappa for the purpose of managing the affairs of Puttenahalli Anjaneyaswami Temple. The impleading applicant is the grandson of said Munishami who has succeeded to the schedule property. It is submitted that the schedule property is a notified religious endowment under the Government of Karnataka, Department of Endowments and the control and administration of the

temple vest with the Endowment Commissioner. It is submitted that the defendants are basing their claim of title on the schedule property under an order of the Special Deputy Commissioner dated 30.07.1975. Subsequently the Tahsildar of Uttrahalli Hobli in case No.15-2022-23 vide order dated 23.03.2023 has rejected the defendant reapplication for mutation citing irregularities in the documents produced. The applicant being the successor in interest to the endowment holds a beneficial interest in the schedule property and by virtue of the gift deed and the continuous temple possession which is in existence for more than 110 years the schedule property vest with the temple and its custodians. It is submitted that the defendants have no valid transferable title to the schedule property and would not have entered into the JDA dated 17.03.2022 as the same violates the provisions of the religious endowments. It is submitted that as the applicant holds a beneficial interest in the schedule property he becomes a necessary and proper party to the present suit and on these grounds has sought for impleading him as a party to the present suit.

3. The plaintiff has filed objections to the application contending that no relief in the present suit is sought against the impleading applicant and there is no relation of the applicant with the cause of action of the suit and in the present suit the rights of the applicant on the schedule property is not a subject matter of litigation and therefore the applicant is neither a necessary nor a proper party to the suit. It is submitted that the plaintiff being the Dominus lituus can chose to file suit against whom he intends to seek relief and without there being a specific cause of action a third party cannot seek to be impleaded. It is submitted that that the issues raised in the application would amount to a dispute between the impleading applicant and the defendants with respect to the title to the said property which the applicant has to exhaust in a separate proceedings and cannot seek to be impleaded as a party to the present suit where the relief sought is only for declaring that the cancellation of the registered JDA and GPA as null and void and restore the registered JDA and GPA. If there is any dispute as to the title between the applicants and the defendants it has to be adjudicated in a separate proceedings and with respect to the subject matter of the suit the applicant is neither

proper party nor a necessary part and on these grounds has sought for rejecting the application with costs.

4. Heard the learned counsel appearing for the impleading applicant. Counsel for the plaintiff has filed written arguments. Perused the entire material on record.

5. The points for consideration are:-

1) Whether the applicant proves that he is a proper and necessary party to be impleaded in the present suit?

2) What order?

6. My answer on the above point is as under:

Point No.1: **In the Negative.**

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

REASONS

7. **POINT NO.1**:- Order I Rule 10 of CPC provides for adding and deletion of parties in a suit. The plaintiff is the dominus lituus who would have the prerogative to proceed against the persons with respect to the release so claimed. It is prerogative of the plaintiff as to against who

he intends to seek his rights adjudicated in a suit. In the following decisions the factors to be borne in mind have been laid down as to who would be a necessary and proper party in a suit.

1. (1994) 1 SCC 402, New Redbank Tea Co. Pvt. Ltd. vs. Kumkum Mittal and others, wherein it has been observed as under:

The said provision empowers the court to implead as a party to a suit a person (i) who ought to have been joined, whether as plaintiff or defendant; or (ii) whose presence before the court may be necessary in order to enable the court to effectually and completely adjudicate upon and settle all the questions involved in the suit.

2. AIR 2005 Supreme Court 2813, Kasturi vs. Iyyamperumal and others, wherein it has been observed as under:

From a bare perusal of sub-rule (2) of Order 1 Rule 10 of the CPC, we find that power has been conferred on the Court to strike out the name of any party improperly joined whether as plaintiff or defendant and also when the name of any person ought to have been joined as plaintiff or defendant or in a case where a person whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit.

A bare reading of this provision namely, second part of Order 1 Rule 10 sub-rule (2) of the CPC would clearly show that the necessary parties in a suit for specific performance of a contract for sale are the parties to the contract or if they are dead their legal representatives as also a person who had purchased the contracted property from the vendor. In equity as well as in law, the contract constitutes rights and also regulates the liabilities of the parties. A purchaser is a necessary party as he would be affected if he had purchased with notice of the contract, but a person who claims adversely to the claim of a vendor is, however, not a necessary party. From the above, it is now clear that two tests are to be satisfied for determining the question who is a necessary party. Tests are - (1) there must be a right to some relief against such party in respect of the controversies involved in the proceedings (2) no effective decree can be passed in the absence of such party.

From the aforesaid discussion, it is pellucid that necessary parties are those persons in whose absence no decree can be passed by the Court or that there must be a right to some relief against some party in respect of the controversy involved in the proceedings and proper parties are those whose presence before the Court would be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit although no relief in the suit was claimed against such person.

3. AIR 2005 Supreme Court 2209, Amit Kumar Shaw and another vs. Farida Khatoon and another,

wherein it has been observed as under:

The object of Order 1 Rule 10 is to discourage contests on technical pleas, and to save honest and bona fide claimants from being non-suited. The power to strike out or add parties can be exercised by the Court at any stage of the proceedings. Under this Rule, a person may be added as a party to a suit in the following two cases:

- (1) When he ought to have been joined as plaintiff or defendant, and is not joined so, or*
- (2) When, without his presence, the questions in the suit cannot be completely decided.*

The power of a Court to add a party to a proceeding can not depend solely on the question whether he has interest in the suit property. The question is whether the right of a person may be affected if he is not added as a party. Such right, however, will include necessarily an enforceable legal right.

4. 2023 SCC Online Pat 4109, Shri Giridhar Gopal and others vs. Smt. Ramawati Devi and others,

wherein it has been observed as under:

In the Judgment of Hon'ble Supreme Court in Mumbai International Airport (P) Ltd. Vs. Regency Convention Centre and Hotels (P) Ltd. reported in (2010) 7 SCC 417 observed that the general rule in regard to impleadment of parties is that in a

suit, being dominus litis, may choose the person against whom he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief. Consequently, a person who is not a party has no right to be impleaded against the wishes of the plaintiff. But this general rule is subject to the provisions of Order 1 Rule 10(2) CPC which provides for impleadment of proper or necessary parties. It is further held that the said sub-rule is not about the right of a non-party to be impleaded as a party, but about the Patna High Court C.Misc. No.1303 of 2018 dt.05-09-2023 judicial discretion of the Court to strike out or add parties at any stage. The discretion under the sub-rule can be exercised suo motu or on application of the plaintiff or the defendant, or on an application of a person who is not a party to the suit. The Court can add anyone as a plaintiff or defendant if it finds that he is a necessary party or proper party.

Mere addition of the intervenor as a party will not create an interest in the suit property and in considered view of this Court the presence of the intervenor is necessary for efficacious adjudication of this case and addition is also necessary for avoidance of multiplicity of suit.

5. 2022 SCC Online Bom 3670, Ashok vs. The State of Maharashtra and others, wherein at Para 19 and 20

it has observed as under:

The provisions of Order 1 Rule 10(2) of the Code are very wide and the powers of the court are equally extensive. Even without an application to

be impleaded as a party, the court may at any stage of the proceedings order that the name of any party, who ought to have been joined whether as plaintiff or defendant or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

The theory of dominus litis cannot be overstretched in the matter of impleading of parties, which results in ineffective decrees being passed in absence of necessary parties or where the theory is misused to deliberately obtain decree against non-interested persons/officials and then use it to assert rights of Plaintiff. It is also for the Court to ensure that the real matter in dispute is effectively decided by impleading all those who are necessary parties. Merely because plaintiff does not choose to implead a person is not sufficient for rejection of an application for being impleaded. If the Court feels it appropriate that any particular party's presence is necessary before the Court for adjudicating upon the issue involved in the suit, the Court has full power under Order I Rule 10(2) of the Code to direct addition of such party to the suit.

6. (2015) 13 SCC 579, Baluram vs. P. Chellathangam and others, wherein the Hon'ble Apex Court has reiterated the principles laid down in its earlier decision reported in **(2007) SCC 417 Mumbai International Airport(Private Limited) vs. Regency Convention**

Centre and Hotels (P)Ltd., wherein it has been observed in Para 14 and 15 as under:

The said provision makes it clear that a court may, at any stage of the proceedings (including suits for specific performance), either upon or even without any application, and on such terms as may appear to it to be just, direct that any of the following persons may be added as a party: (a) any person who ought to have been joined as plaintiff or defendant, but not added; or (b) any person whose presence before the court may be necessary in order to enable the court to effectively and completely adjudicate upon and settle the question involved in the suit. In short, the court is given the discretion to add as a party, any person who is found to be a necessary party or proper party.

A 'necessary party' is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the Court. If a 'necessary party' is not impleaded, the suit itself is liable to be dismissed. A 'proper party' is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in disputes in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the

suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.

7. (1999) 2 SCC 577, Savitri Devi vs. District Judge Gorakhpur and others wherein it has been observed as under:

Order I, Rule 10 C.P.C. enables the Court to add any person as party at any stage of the proceedings if the person whose presence before the Court is necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of proceedings is also one of the objects of the said provision in the Code.

8.(2018) 2 SCC 352, Kanaklata Das and Ors. vs Naba Kumar Das and others, wherein while dealing with an application under Order I Rule10(2) of CPC the Hon'ble Apex Court has observed as under

(a) The plaintiff being a dominus litis cannot be compelled to make any third person a party to the suit, be that a plaintiff or the defendant, against his wish unless such person is able to prove that he is a necessary party to the suit and without his presence, the suit cannot proceed and nor can be decided effectively. In other words, no person can compel the plaintiff to allow such person to become the co-plaintiff or defendant in the suit.

It is more so when such person is unable to show as to how he is a necessary or proper party to the suit and how without his presence, the suit can neither proceed and nor it can be decided or how his presence is necessary for the effective decision of the suit.

(b) A necessary party is one without whom, no order can be made effectively, 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.

8. The present suit is filed by the plaintiff against defendants for declaring that the cancellation of the registered JDA and POA dated 17.03.2022 through issuance of legal notice dated 29.11.2025 as void ab-initio and non-est and for a consequential relief of temporary injunction restraining the defendants from alienating the schedule property in any manner. The schedule property is property bearing Sy.No.25/3 measuring 30 guntas and 5 guntas of karab land situated at Puttenahalli Village, Uttarahalli Hobli with relevant boundaries which is also the application schedule property. The defendants No.1 to 12 on service of summons have remained absent before

the Court. What emerges from the plaint averments is that the defendants had entered into a registered JDA and POA dated 17.03.2022 executed in favour of the plaintiffs for developing the schedule land to a residential project. In the present application the applicant contends that the schedule property was not in the ownership of the defendants and therefore they had right to enter into any JDA with the plaintiffs for development of the same and it is contended that the schedule property originally belonged to one Tirumalappa, S/o Naykara Munaiah who under a registered gift deed dated 16.12.1930 gifted the said property to the grandfather of the plaintiff Mr. Munishami, S/o Kadarappa also called as Thavila and that the said gift is made for the purpose of managing the affairs of Puttenahalli Anjaneyaswami Temple. In other words the applicant contends that the property was gifted to his grandfather to be used only for the purpose of Puttenahalli Anjaneyaswami Temple.

9. The sum and substance of the application averments would indicate that there are various revenue proceedings pertaining to the schedule property and the latest proceedings has been the Writ Petition filed by the

present defendants in W.P.No.3963/2018 challenging the order passed by the Special Deputy Commissioner of Bengaluru South and for changing the khata in the name of the 5th defendant herein with respect to the schedule property. The said Writ Petition has been allowed quashing the order of the Special Deputy Commissioner, Bengaluru South. This order has been presently challenged by the applicant in Writ Appeal No.1869/2024 wherein vide order dated 13.03.2026 the Hon'ble High Court has directed the parties to maintain status quo.

10. As could be seen from the averments made in the application and the documents filed along with the application which are the revenue proceedings including the copy of the gift made in favour of the grandfather of the applicant, there exist a dispute with regard to title of the defendants to the schedule property. The subject matter of the present suit is the cancellation of the registered JDA and POA executed by the defendants in favour of the plaintiff concerning the development of the schedule property. According to the plaintiff the defendants claiming themselves to be owners of the schedule property had executed the registered JDA and

POA in favour of the plaintiff with respect to development of the schedule property. The title of the defendant with respect to the schedule property is not at all subject matter of the present suit. In fact on a careful reading of the proceedings before the revenue authorities as emerging from the documents produced by the applicant it is clear that there is no clear title to the applicant of the schedule property. In fact prima facie as emerging from the contents of the gift deed dated 16.12.1913 the property said to have been gifted to grandfather of the plaintiff for use of the temple purposes. Therefore the applicant also cannot derive any title to the said property by way of succession or inheritance. When such is the circumstances keeping in mind the subject matter of the prevailing suit the present applicant is neither proper nor a necessary party to the present suit. The applicant is required to work out his remedies in a separate proceeding for establishment of his title on the schedule property and the limited scope of the present suit is only to ascertain whether the cancellations of registered JDA and POA dated 17.03.2022 is valid or not. Under these circumstances there is no hesitation to hold that the applicant is neither proper nor a necessary party to the

present proceedings. Accordingly, I answer Point No.1 in the **Negative**.

12. POINT NO.2:- For the aforesaid reasons, I pass the following:

ORDER

I.A.No.V filed by the applicant U/o.I Rule 10, R/w Sec.151 of CPC seeking to implead himself as defendant No.13 to the suit is **dismissed**.

No order as to costs.

(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in open court on this the 6th day of April, 2026)

(ARJUN. S. MALLUR)
LXXXV Addl.City Civil & Sessions Judge,
Bengaluru.