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IN THE COURT OF PRL CIVIL JUDGE AND JMFC., AT YADGIRI

PRESENT

Sri. Arun Chougule,

B.A.LL.B.[Hons.]

Prl. Civil Judge and J.M.F.C, Yadgiri

Dated this the 09th day of December-2025

ORIGINAL SUIT NO.17/2019

<u>PLAINTIFF/S:-</u>	1. Bada Hussain S/o Late Bawasab, Age : 60 years, Occ: Agriculture, 2. Mahaboob Sab S/o Late Bawasab, Age : 50 years, Occ: Agriculture, 3. Hushim S/o Late Chota Hussain, Age : 22 years, Occ: Agriculture, All are R/o Chandapur village, Tq: & Dist: Yadgiri.
	(By Sri. N.B.A Advocate)
<u>-V/S-</u>	
<u>DEFENDANT/S:-</u>	1. Hussain S/o Late Noorsab, (Dead represented by his LR). 1(a). Hussain be W/o Hussain, Age: 55 years, Occ: Agriculture, 1(b). Lalu Ahmed S/o Hussain, Age: 35 years, Occ: Agriculture, 1(c). Mohammed S/o Hussain,

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	Age: 30 years, Occ: Agriculture, 1(d). Babu S/o Hussain, Age: 25 years, Occ: Agriculture, 1(e). Ibrahim S/o Hussain, Age: 22 years, Occ: Agriculture, 1(f). Moulali S/o Hussain, Age: 20 years, Occ: Agriculture, 1(g). Nooru S/o Hussain, Age: 19 years, Occ: Agriculture, 2. Yusuf S/o Late Noorsab, Age : 50 years, Occ: Agriculture, 3. Wahid S/o Late Noorsab, Age : 45 years, Occ: Agriculture, 4. Mohammed S/o Late Noorsab, Age : 40 years, Occ: Agriculture, All are R/o Chandapur village, Tq: & Dist: Yadgiri.
	(D-1(a) to (g) & D-2 to 4 By Sri.R.S.P Advocate)

IN I.A.No.13

<u>Applicants/ proposed defendants No.5 & 6 :</u>	Khasim Ali S/o Bawa Sab and Anr,
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-V/S-	
<u>Opponents/ plaintiffs</u> :	Bada Hussain S/o Late Bawasab, and Others.

i.	<i>Provision under which the application is filed</i>	Order 1 Rule 10 Of CPC
ii.	<i>Relief sought for</i>	<i>Seeking to implead as defendants</i>
iii.	<i>The date on which the application is filed</i>	14-10-2025
iv.	<i>Number of the application</i>	IA No.13
v.	<i>The date on which the objections are filed by different opponents</i>	18-11-2025
vi.	<i>The date on which the orders were passed on the said application.</i>	09-12-2025

**ORDER ON I.A.NO.13 FILED BY THE
APPLICANTS/PROPOSED DEFENDANTS NO.5 AND 6 UNDER
ORDER 1 RULE 10 OF CPC.**

The applicants/proposed defendants No.5 and 6 have filed the present application under Order 1 Rule 10 of CPC seeking to implead them in the suit as defendants No.5 and 6.

2. The applicant No.1/proposed defendant No.5 has sworn to affidavit in support of the application stating that, himself and applicant No.2/proposed defendant No.6 are the joint

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owners and in possession of 31 guntas of land in suit Sy.No.107 totally measuring 12 acres 36 guntas situated at Bommaraladoddi village, Yadgiri Taluk and District. That, the applicants' father by name Bawasab S/o Fakeersab was the owner and in possession of said 31 guntas of land having purchased the same from Bawasab (the father of plaintiff No.1 and grandfather of plaintiff No.3) and Noorsab (father of defendants') under registered sale deed dated 03.04.1980. That, on the same day, the father of plaintiff No.1, grandfather of plaintiff No.3 and father of defendants had sold another 01 acre 02 guntas of land in suit Sy.No.107 in favour of one Mohammed Hussain S/o Hussainsab. As per the sale deed, the name of the applicants' father was mutated in the records of the said 31 guntas of land, and he was in possession thereof till his death in the year 2014. After his death, the applicants having become the owners are in possession of the said land. That, 31 guntas of land was standing in the name of applicants' father, 01 acre 02 guntas was standing in the name of another purchaser Mohammed Hussain and remaining 11 acres 03 guntas was standing in the joint names of 3 sons of original owner by names Noorsab, Kasimsab and Bawasab till 1999-2000. However, in the year 2001-02, the names of Kasimsab and

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Bawasab, sons of Hussainsab, came to be jointly mentioned with the name of the applicants' father, Bawasab, to the extent of 31 guntas of land in the computerized RTC. The said Kasimsab and Bawasab, sons of Hussainsab, are in no way concerned with the 31 guntas of land belonging to the applicants. After the death of their father, when the applicants obtained the RTCs for khata transfer, they came to know about the incorrect entries made by the revenue authorities at the time of computerization of RTC in the year 2001-02. The applicants immediately approached the plaintiffs and the sons of Kasimsab, requesting them to delete the name of their fathers appearing in the RTC, but they did not respond properly, stating that civil cases are pending before the civil Courts in respect of Sy.No.107. That, valuable rights of the applicants in respect of 31 guntas of land in the suit Sy.No.107 are involved and they are apprehending that the plaintiffs and the defendants colluding with each other may get decree from this Court and on that basis they may claim rights over the 31 guntas of land purchased by father of the applicants. That, the plaintiffs suppressing the real facts have filed the present suit only against defendants No.1 to 4 without impleading the applicants. That, rights of the applicants in respect of their immovable

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property are involved in the present suit. Hence, the applicants pray to allow the application.

3. The plaintiffs submitted they have no objections to the application.

4. The defendants filed objections contending that the present suit between the plaintiffs and the defendants is only in respect of the remaining 11 acres 03 guntas of land after the sale of 01 acre 02 guntas in favour of Mohammed Hussain and 31 guntas in favour of the applicant's father. In paras 4 and 5 of the plaint, the plaintiffs admit the sale of the said 01 acre 02 guntas and 31 guntas of land. That, no relief is sought in respect of the land sold in favour of the applicants' father. As such, the applicants are not necessary parties to the present suit. Hence, the defendants pray to dismiss the application.

5. I have heard arguments of learned counsel for the applicants and defendants and perused the records.

6. After hearing the arguments and perusal of pleading and records, the following points arise for my consideration.

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1. Whether the applicants are necessary parties to the present suit?

2. What order?

7. My findings on the above points are as under;

Point No.1 : In the Negative.

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

REASONS

8. **POINT NO.1:** The plaintiffs have filed the present suit seeking the relief of declaration of title and permanent injunction restraining the defendants from interfering with their possession over suit 02 acres 26 guntas of land bearing Sy.No.107 situated at Bommaraladoddi village of Yadgiri Taluk and District.

9. The case of the plaintiffs is that, plaintiffs No.1 and 2 are the real brothers, and plaintiff No.3 is the son of deceased brother of plaintiffs No.1 and 2 by name Chota Hussain. That, the defendants are cousin brothers of the plaintiffs No.1 and 2. It is stated that, entire 12 acres 36 guntas of land in Sy.No.107 originally belonged to grandfather of plaintiffs No.1 and 2 by name Hussainsab. After the death of original owner, his 3 sons

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by names Bawasab, Noorsab and Kasimsab got the said land divided among them. That, the said Bawasab and Noorsab sold 31 guntas of land in favour of one Bawasab S/o Fakeersab and 01 acre 02 guntas in favour of Mohammed Hussain S/o Hussainsab under registered sale deeds bearing Nos.9/1980-81 and 10/1980-81 dated 03.04.1980. The plaintiffs allege that the defendants colluding with each other have got entered their names to the entire remaining area measuring 11 acres 03 guntas. That, on the basis of illegal entries, the defendants started interfering with plaintiffs' possession over the suit land. Hence, the plaintiffs were constrained to file the present suit.

10. On receipt of suit summons, the defendants having appeared through their counsel have filed written statement denying the case of the plaintiffs contending that they are the absolute owners and in possession of 11 acres 03 gungas of land in Sy.No.107. That, said 11 acres 03 guntas previously belonged to father of defendants by name Noorsab S/o Hussainsab and after his death, the defendants having become the owners are in possession of the same. On these grounds, the defendants sought to dismiss the suit with costs.

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11. This Court, having regard to pleadings of both parties, framed necessary issues and posted the matter for evidence. Accordingly, the plaintiffs got examined plaintiff No.1 and 3 as Pw.1 and 2. When the matter was posted further evidence of the plaintiffs, the applicants filed the present application seeking to implead them in the suit as defendants No.5 and 6.

12. As the pleadings of the parties would reveal, entire 12 acres 36 guntas of land in suit Sy.No.107 originally belonged to one Hussainsab, who had 3 sons by names Bawasab(father of plaintiffs No.1 and 2 and grandfather of plaintiff No.3), Noorsab (deceased father of defendants No.1 to 4) and deceased Kasimsab. In para 4 and 5 of the plaint, it is stated that said Bawasab and Noorsab sons of Hussainsab have sold 31 guntas of land in suit Sy.No.107 in favour of father of applicants by name Bawasab S/o Fakeersab under registered sale deed bearing No.10/1980-81 dated 03.04.1980. Even the defendants do not dispute the said alienation made in favour of the applicants' father. The claim of the plaintiffs and the defendants in the present suit only in respect of remaining 11 acres 3 guntas of land in the suit Sy.No.107. The parties to the suit are not claiming any rights or relief in respect of 31 guntas of land

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sold in favour of father of applicants herein. As such, this Court is of the opinion that, presence of the applicants is neither proper nor necessary to decide the dispute between the parties.

13. As already noted above, the applicants contend that names of Kasimsab and Bawasab sons of Hussainsab have been wrongly mutated along with name of their father in the RTC pertaining to their 31 guntas of land. The applicants themselves state that it was due to mistake committed by revenue authorities at the time of computerization of RTCs in the year 2001-02. The applicants further state that, till 1999-2000, name of their father was appearing independently in the RTC pertaining to their 31 guntas of land. It is not the case of the applicants that either the plaintiffs or the defendants are claiming any rights over their 31 guntas of land. However, the applicants state that they are under the fear that the plaintiffs and defendants colluding with each other may obtain a decree from this court and based on that they may claim rights over 31 guntas of land in Sy.No.107 sold in favour of the applicants' father. This Court finds no merit in such contention of the applicants as the parties to the suit are claiming rights only in respect of remaining 11 acres 03 guntas and not in respect of

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the property sold in favour of the applicants' father. The applicants instead of seeking rectification of revenue entries in the revenue Court have unnecessary filed the present application and thereby caused delay in disposal of the suit. As such, the application deserves to be dismissed with costs. Hence, point No.1 is answered in the Negative.

14. **POINT NO.2:** In view of the above discussion, the following;

ORDER

IA No.13 filed by the applicants/proposed defendants No.5 and 6 under Order 1 Rule 10 of CPC is hereby dismissed with costs of Rs.1,000/- payable applicants to the defendants No.2 to 4.

(Dictated to the stenographer, transcribed by him, transcript corrected by me and then pronounced on this the **09th day of December, 2025.**)

(ARUN CHOUGULE)
PRL.CIVIL JUDGE & JMFC,
YADGIRI.