

IN THE COURT OF CIVIL JUDGE & J.M.F.C., AT SANDUR.

Present : Md. Shaiz Chouthai,

B.A.,LL.B. (Hons.), LL.M,(M.L.)

Civil Judge & JMFC, Sandur.

Dated: 25th day of February, 2026

O.S. No. 119/2021

Plaintiff/s : Anjinappa Ujjappar S/o Late Ujjinappa,
Aged about 52 years,
Occ; Agriculturist,
R/o Kattinakamba village,
Sandur Taluk, Ballari District.

(By Sri. B.J./ A.H.S., Advocate)

V/S

Defendant/s : Pegala Pennappa S/o Late Obaiah,
Aged about 71 years,
Occ; Agriculturist,
R/o #73, Hulikunte village,
Sandur Taluk, Ballari District.

(By Sri. N.M.N. Advocate)

(Prop. D10 & 11 by Sri. A.V.K. Advocate)

(Prop. D2 to 9 Absent)

I.A. NO. IX

Applicant/s : Anjinappa Ujjappar S/o Late Ujjinappa
(Plaintiff)

V/s

Opponent/s : Pegala Pennappa S/o Late Obaiah,
and Others.

(Defendants)

ORDER ON I.A. NO. IX FILED UNDER ORDER I RULE 10 R/w
SEC. 151 OF C.P.C. BY PLAINTIFF

The instant application is filed by plaintiff seeking to implead proposed defendant No.2 to 11. The application is filed on 18.06.2025 when the matter was posted for hearing on other interim applications.

2. It is stated that the plaintiff instituted this suit against the defendant for the relief of declaration and possession of the suit property. It is alleged that during the pendency of the suit, the defendant has sold the suit property to the proposed defendants and got their name mutated in the property records. According to applicant, the proposed defendant No.2 to 11 are necessary parties to adjudicate the matter in controversy. Therefore, the applicant prays to implead them as necessary

parties. If the application is allowed no injury will be caused to the other side. On the other hand, if the application is not considered irreparable loss and hardship will be caused to the plaintiff. On these grounds, the applicant prays to allow his application.

3. After filing of the application, notices were issued to the proposed defendant No.2 to 11. Proposed defendant No.10 and 11 appeared through their counsel and submitted that they have no objections to the application. The other proposed defendant No.2 to 9 have not appeared before the court even after the receipt of notice.

4. Heard the learned counsel for the plaintiff. Perused the records.

5. The following points would arise for my consideration.

- 1) Whether the proposed defendant No.2 to 11 are necessary parties to adjudicate the matter in controversy between the parties.

2) What order?

6. The answered to the above points are as under

Point No.1: In the Affirmative

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

REASONS

7. **POINT NO.1:** The plaintiff has instituted this suit against the defendant for the relief of declaration of ownership in respect of plaint schedule 'A' property and for recovery of possession of encroached portion of the property described as plaint schedule 'B' property. The suit property is an agricultural land.

8. It is the specific case of the plaintiff that the defendant has encroached his property bearing land Sy. No.312/1, to the extent of 27 X 2.80 meters. He sought for recovery of encroached portion of the property.

9. Now, the plaintiff alleged that the defendant who had encroached plaintiff schedule 'B' property has sold the property in favour of defendant No.2 to 11. The proposed defendant No.10 and 11 who appeared through their counsel did not deny the purchase of the said property but submitted that they have no objections to allow the application. Thereby, the proposed defendant No.10 and 11 admit the contents of the application filed by the applicant / plaintiff. Having regard to the nature of the suit and the allegations of encroachment and thereafter the subsequent sale, the proposed defendant No.2 to 11 are necessary parties to adjudicate the matter in controversy. The defendant may not be interested to pursue the case after the sale of property in favour of proposed defendant No.2 to 11. These proposed defendants step into the shoes of the defendant. Their presence is very much necessary to adjudicate the matter in controversy. In their absence, no effective result could be arrived. Hence, there are grounds to allow the application. Consequently, this court proceeds to answer Point No.1 in the **Affirmative**.

10. **POINT NO.2:-** In view of the above findings and discussions, I proceed to pass the following:-

ORDER

I.A.No.IX filed U/O.I Rule 10 R/w Sec.151 of C.P.C. by the plaintiff / applicant is hereby allowed.

The plaintiff/applicant shall carry out necessary amendment by bringing proposed defendant No.2 to 11 on record, and file amended plaint.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the open Court, on this the 25th day of February 2026)

(Md. Shaiz Chouthai)
Civil Judge and J.M.F.C., Sandur.