



O.S./101/2021

**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE AND JMFC,
JAMKHANDI.**

PRESENT: SMT KAVITA S. UNDODI,
B.A.,LL.B.,

Prl. Senior Civil Judge & JMFC, Jamkhandi.

DATED: This the 22nd day of JANUARY-2025

O.S.No.101/2021

PLAINTIFF:

- 1) Smt. Rahematbi W/o Rafiq Hundekar.

V/s.

DEFENDANTS:

- 1) Noormohammad Gudasab Nidoni
& others....

Parties to I.A.7

Applicant/(Plaintiff):

- 1) Smt. Rahematbi W/o Rafiq Hundekar.

V/s.

Opponent (proposed defendant No.7):

- 1) Sri. Tippanna S/o Kallappa Jamkhandi,
Age: 55 years, Occ: Agriculture,
R/o: Todalbagi village, Tq: Jamkhandi,
Dist: Bagalkot.

1	Provision under which the application is filed	:	under order 1 Rule 10(2) R/w 151 of CPC.
2	Relief sought for	:	To implead opponent by name Tippanna Jamkhandi as a defendant No.7 in this

			suit.
3	The date on which the application is filed	:	I.A.No.7 on 11-01-2023.
4	Number of the application	:	I.A.No.7
5	The date on which the objections are filed by different opponents	:	22-08-2024
6	The date on which the orders were passed on the said application	:	22-01-2025.

ORDER ON I.A NO.7

The plaintiff has filed this application under Order 1 Rule 10(2) R/w 151 of CPC to implead opponent by name Tippanna Jamkhandi as a defendant No.7 in this suit.

2. The plaintiff sworn to an affidavit stating that, she has filed suit for partition and separate possession against the defendants in respect of suit schedule properties. The defendants have executed sale deed in favour of Tippanna Jamkhandi in respect of land bearing Sy.No.381/1A measuring 3 acres situated at Todalabagi village. The plaintiff is having share in the said property. The said transaction is behind her back and without her knowledge, therefore the sale deed is not binding on the share of plaintiff. The presence of opponent is necessary for adjudication of the matter effectively and prayed to allow the application.

3. The opponent has opposed the application denying the averments of the affidavit and stated that, the father of plaintiff Gudusab died in

the year-1994, during the lifetime of the father he has made family arrangement with defendant No.1 and 2. The suit lands were granted to propositus Hasimsab who was doing 'walikaraki'. The female heirs and married daughters cannot claim any share in the inam land which is exclusively belongs to male person. The opponent is bonafide purchaser of land bearing Sy.No.381/1/A measuring 3 acres for valuable consideration under registered sale deed without notice of the alleged rights of the plaintiff and other defendants. When the suit itself is not maintainable, the question of impleading the proposed defendant does not arise. The sale deed in favour of opponent is well withint the knowledge of the plaitniff and public at large. No grounds are made out to allow the I.A and prayed to reject the application.

4. Heard on I.A.
5. The following points arises for my consideration.
 1. **Whether the opponent is proper and necessary party to the suit?**
 2. **What order?**
6. My answer to the above points is as under:
 - Point No.1 – **In the Affirmative.**
 - Point No.2 – **Is as per the final order for the following;**

:: REASONS ::

7. Point No.1: The plaintiff has filed this suit for partition and separation possession against the defendants. In the affidavit the plaintiff has stated that the defendants have executed sale deed in favour of opponent in respect of Sy.No.381/1A measuring 3 acres. In the said property the plaintiff is also having share. The defendants have executed the sale deed behind her back, therefore the presence of opponent is necessary for adjudication of the matter effectively.

8. Though in the objection the opponent has stated that, during the lifetime of father of plaintiff made family arrangement and suit schedule properties granted to propositus Hasimsab who was doing 'Walikarike', therefore the female heirs and married daughters cannot claim any share in the inam land, which exclusively belongs to male person.

9. The plaintiff has stated that Sy.No.381/1/A is also family property and she is having share in the said property. The plaintiff not pleaded that the said property is inam land. The opponent has taken specific contention in respect of said property, whether the said property is exclusive property of Hasimsab and female heirs are not having share is a matter of trial. The plaintiff already got allowed the I.A No.5 and got order for inserting the said property in the schedule. The contention taken by the opponent in the objection will be considered at

the time of appreciation of evidence. Whether she is having share in the suit schedule properties or not is a matter of trial. Therefore, to avoid multiplicity of proceedings, if the I.A. is allowed it will meet the ends of justice, accordingly point No.1 is answered in **Affirmative**.

10. Point No.2: In view of the above discussion, I proceed to pass the following:

ORDER

**I.A.No.7 filed by the plaintiff
under Order 1 Rule 10(2) R/w 151
of C.P.C is hereby allowed.**

**Sri. Tippanna Jamkhandi
shown in I.A.No.7 is impleaded as
defendant No.10.**

(Directly dictated to Stenographer on Lap-tap, print out taken by her, corrected and then pronounced by me in Open-Court this the **22nd day of January-2025**).

**(Smt. Kavita S. Undodi)
Prl. Senior Civil Judge & JMFC,
Jamkhandi.**