

KABK710016662017



O.S./97/2017

**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC,
JAMKHANDI, AT: JAMKHANDI.**

PRESENT :

**SHRI ARASHAD ANSARI,
B.Com, L.L.M.,
Prl. Civil Judge & JMFC,
Jamkhandi.**

**Dated this 27th day of September- 2025
O.S. No.97/2017**

1. Shri. Vasanth S/o Appa Navali
Age: 58 years, Occ: Agriculture,
R/o Todalabagi, Tq: Jamkhandi.
Dist: Bagalkot and 2 others.

..... Plaintiffs.

(By Shri.C.R.S., Advocate)

Vs.

1. Shri. Annappa S/o Appa Navali
Age: 70 Years, Occ: Agriculture,
R/o Todalabagi, Tq: Jamkhandi.
Dist: Bagalkot.
- 1A. Smt. Anubai W/o Annappa Navali
Age: 58 Years, Occ: Household work,
R/o Todalabagi, Tq: Jamkhandi,
Dist: Bagalkot.
(Wife of deceased defendant No.1)

- 1B. Shri. Appasi S/o Annappa Navali
Age: 37 Years, Occ: Agriculture,
R/o Todalabagi, Tq: Jamkhandi,
Dist: Bagalkot.
(Son of deceased defendant No.1)
- 1C. Smt. Laxmi W/o Parashuram
Age: 28 Years, Occ: Household work,
R/o Gandhali Galli, Shivaji Chowk,
Tq: Vijayapur, Dist: Vijayapur.
2. Shri. Shankar S/o Appa Navali
(Since dead by his Lrs. 2A to 2D)
- 2A. Smt. Susalawwa W/o Shankar Navali
Age: 50 years, Occ: Household work,
R/o Todalabagi, Tq: Jamkhandi,
Dist: Bagalkot.
- 2B. Paramanand S/o Shankar Navali
Age: 30 years, Occ: Agriculture,
R/o Todalabagi, Tq: Jamkhandi,
Dist: Bagalkot.
- 2C. Siddu S/o Shankar Navali,
Age: 27 years, Occ: Agriculture,
- 2D. Smt. Yoshdha W/o Tulajappa Navali
Age: 25 years, Occ: Household work,
R/o Savalagi village, Tq: Jamkhandi,
Dist: Bagalkot.
3. Smt. Shantabai W/o Shiavaji Navali
Age: 56 years, Occ: Household work,
R/o Todalabagi, Tq: Jamkhandi,
Dist: Bagalkot and 8 others.
- Defendants.**

**(D-1(A to C) By Shri. T.P.B., Advocate)
(D-2(A to D) & D-3 to 11 are Exparte)**

I. A. No.VI

1. Shri.Dondibha S/o Balashaheb Shinde,
Age: 57 Years, Occ: Agriculture,
R/o: Todalabagi, Tq:Jamkhandi,
Dist: Bagalkot.

..... Applicant/Proposed Defendant No.12.

Vs.

1. Shri. Vasanath S/o Appa Navali & others.

.....Opponents/Plaintiffs.

* * *

Sl.No.	Details	Particulars
1	Provision under which the application is filed	Under Order 1 Rule 10(2) R/w Section 151 of CPC
2	Relief sought for	Seeking to implead themselves as a party to the suit.
3	The date on which the application is filed	03-02-2020
4	Number of the applications	I.A. No.VI
5	The date on which the objections are filed by the different opponent/s	--
6	The date on which the orders were passed on the said application/s.	27-09-2025

ORDER ON I.A. NO.VI

The applicants, proposed as Defendant No.12, have filed the present application seeking to implead themselves as a party to the suit, for the reasons set out in the accompanying affidavit.

2. On the other hand, the plaintiff has not filed any objections to the present application.

3. Heard the arguments. Perused the records.

4. The following points that arose for my consideration are under;

1. Whether the applicants/plaintiff prove that the application is deserves to be allowed as prayed?

2. What Order?

5. My answers to the above points are as under;

Point No.1:-In the Affirmative,

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

:: REASONS ::

6. **Point No.1:-** The applicant has filed the present application seeking to be impleaded as Defendant No.12 in a suit for partition and separate

possession. It is stated that the suit schedule properties originally belonged to the applicant's late father, Balashaheb Shinde. A partition is said to have taken place in the year 1992 between the applicant's father and Defendant No.1, through which the suit properties were allotted to the share of the applicant's father. The partition was acted upon, and the revenue records were accordingly updated under ME No. 5105 of Todalabagi village.

7. It is further stated that the applicant's father remained in peaceful possession of the suit properties until his death and thereafter the applicant has continued in possession and enjoyment of the same. Despite this, Defendant No.1 challenged the said revenue entry after a lapse of more than 21 years before the Assistant Commissioner, who allowed the appeal. The applicant's revision petition before the Deputy Commissioner was also dismissed. Both orders have been challenged in a pending writ petition before the Hon'ble High Court of Karnataka.

8. The applicant claims to have perfected title over the suit properties by way of adverse possession and asserts that neither the plaintiffs nor the existing defendants are in physical possession. Upon recently becoming aware of the pending suit, the applicant contends that any orders passed in the present proceedings will adversely affect his rights over the suit properties. He therefore seeks to be impleaded as a necessary and proper party, stating that no prejudice will be caused to the existing parties and that denial of his application would result in serious hardship.

9. The plaintiffs have not filed any objections opposing the present application. Upon careful consideration of the pleadings and documents placed on record, it appears that the applicant is asserting an independent right and interest in the suit schedule properties, based on long-standing possession and claims of title. The adjudication of the present suit, which relates to partition and separate possession, would certainly have a bearing on the rights claimed by the applicant. His presence is, therefore, necessary to

avoid multiplicity of proceedings and to ensure that all interested parties are heard before a final decree is passed.

10. In view of the above facts and circumstances and in the interest of justice and equity, this Court is of the considered opinion that the applicant is a necessary and proper party to the present suit. No prejudice will be caused to the existing parties by his impleadment, whereas denial of the application may result in serious hardship to the applicant. Therefore, I answer Point No.1 in the '**Affirmative**'.

11. **POINT No.2:-** For the reasoning's and findings given to Point No.1, I proceed to pass the following;

: O R D E R :

The I.A.No.VI filed by the applicant/proposed defendant No.12 under Order I Rule 10(2) of the Code of Civil Procedure is hereby allowed.

The applicant is permitted to be impleaded as Defendant No.12 in the present suit.

Plaintiff is directed to implead applicant as defendant No.12 and carry out necessary amendments to the plaint accordingly and file the amended plaint on or before by.

*(Dictated to the Stenographer directly on computer and typed by him, and corrected, printout taken, signed by me and then pronounced in the open court on this the **27th day of September- 2025**)*

Sd/-
(Arashad Ansari),
Prl.Civil Judge & JMFC.,
Jamkhandi.