

KABR310003932014



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE & J.M.F.C., AT DEVANAHALLI**

PRESENT

SRI. NATARAJ YADAV .S, M.B.A., LL.B.,

*Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.*

Dated this day of 20th June, 2026

O.S.No.329/2014

BETWEEN:

Smt Shanthamma and others : **Plaintiffs**

(Plts. - By Sri.D.N.N., Advocate)

AND:

Sri. Jagannath : **Defendant**

(Deft - By Sri. B.C.G., Advocate)

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<i>i</i>	<i>Provision under which the application is filed</i>	<i>under Order I Rule 10 of the Code of Civil Procedure</i>
<i>ii</i>	<i>Relief sought for</i>	<i>To come on record as co-defendants</i>
<i>iii</i>	<i>The date on which the application is filed</i>	<i>09-06-2025</i>
<i>iv</i>	<i>Number of the application</i>	<i>I.A.No. 15</i>



v	Date of filing objection	23-09-2025
vi	Date of Pronouncement of Order	20-06-2026

Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.

**ORDER ON I.A. No.15 FILED UNDER ORDER I RULE 10 OF
CPC**

1. This order is on the application filed by the applicants under Order I Rule 10 of the Code of Civil Procedure, praying to permit them to come on record as co-defendants in the present suit.
2. The applicants have contended that the present suit is filed by the plaintiff seeking partition and separate possession of the suit schedule properties. It is their case that one late Anjinappa was the propositus, who had three sons namely, Dodda Dyavanna @ Dyavanna, Munidyavanna and Muniyappa. During their lifetime, Dodda Dyavanna along with J.M. Krishnappa, who is the father of the plaintiffs, had jointly purchased the suit properties under a registered sale deed dated 24.12.1957 and accordingly, the khata was also mutated in their names.
3. It is further contended that the defendant is the son of Dodda Dyavanna @ Dyavanna and the suit properties were the joint family properties. According to the applicants, there was a



partition among the family members and a share was allotted to the father of the applicants under a Panchayat Palupatti dated 05.09.2001. However, the relevant revenue entries were not transferred due to the pendency of proceedings before the Land Tribunal. It is their contention that by virtue of the said partition, they are having right and share in the suit properties and the same has been suppressed by the plaintiff and defendant. Hence, their presence is necessary for effective and proper adjudication of the dispute.

4. The plaintiff has not filed any objections to the said application.

5. The defendant has opposed the application contending that the applicants have no right over the suit properties. The relationship and the alleged joint family nature of the properties are denied. It is also contended that the alleged Panchayat Palupatti dated 05.09.2001 is a fabricated document and that the father of the applicants had already died prior to the said document. Hence, it is contended that the applicants are neither necessary nor proper parties and the application is liable to be rejected.

6. Heard the learned counsel for the applicants and the learned counsel for the defendant. Perused the records.



7. The question that arises for consideration is **whether the presence of the applicants is necessary for proper and effective adjudication of the dispute involved in the suit?**

8. The present suit is one for partition and separate possession. In a partition suit, all persons claiming an interest in the suit schedule properties are required to be before the Court so that the rights of all concerned parties can be properly determined and multiplicity of proceedings can be avoided.

9. In the present case, the applicants have placed reliance on the alleged Panchayat Palupatti dated 05.09.2001 and have asserted that a share was allotted to their father in the partition. The defendant has disputed the said document and has contended that the same is fabricated. However, the question regarding genuineness, validity and evidentiary value of the said document cannot be decided at this stage while considering an application under Order I Rule 10 of CPC. The same requires appreciation of evidence during the course of trial.

10. At this stage, the Court has to only examine whether the applicants have shown a prima facie claim or interest in the suit properties and whether their presence is necessary for complete adjudication of the matter. On perusal of the pleadings and the documents relied upon by the applicants, it appears that there is a prima facie assertion of allotment of share in favour of the father of the applicants under the alleged Panchayat Palupatti.



Therefore, the applicants cannot be said to be total strangers to the dispute.

11. If the applicants are not impleaded and subsequently they establish their independent right over the suit properties, it may result in further litigation. Their presence would assist the Court in effectively deciding the rights of all persons claiming interest over the suit properties.

12. Hence, this Court is of the opinion that the applicants are proper and necessary parties for effective adjudication of the dispute. The objections raised by the defendant regarding the genuineness of the Panchayat Palupatti and the alleged fabrication of the document are matters to be considered during trial after recording evidence. Accordingly, the application deserves to be allowed. Consequently, I proceed to pass the following;

ORDER

The application filed by the applicants under Order I Rule 10 of CPC is hereby allowed.

The applicants are permitted to come on record as co-defendants in the present suit.



***The amended cause title shall be
filed by the applicants within 7 days.***

No order as to costs.

Put up on 3.7.2026

*(Dictated to the Stenographer on computer, typed by her, revised, corrected
and then pronounced by me in the open Court on this the **20th day of June, 2026.**)*

***Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.***