



**IN THE COURT OF I ADDL SENIOR CIVIL JUDGE & JMFC,
DEVANAHALLI.**

Present: Sri Lokesha M.G., B.A.L.,LL.B.,

O.S.No.1149/2007

Dated this the 25th day of April, 2026.

PLAINTIFFS: Smt. Jayamma since Dead by her
LRS

(By Advocate Sri. C.G.M.,)

V/s.

DEFENDANTS: Sri. Nanjappa & Others

(By Advocates Sri. R.M.G., S.M.A.,
M.C.S., S.R., K.A.H., & C.G.N.)

i.	Provision under which the application is filed	Order 1 Rule 10
ii.	Relief sought for	Impleadment
iii.	The date on which the application is filed	01.09.2025
iv.	Number of the application	9
v.	The date on which the objections are filed by different opponents	10.10.2025
vi.	The date on which the orders were passed on the said application	25.04.2026



ORDER ON I.A.No.IX

I.A.No.9 is filed by the plaintiff under Order 1 Rule 10(2) of C.P.C., to implead the proposed defendants in this case.

2. It is stated in the accompanying affidavit that plaintiff has filed the suit for partition. The application is filed to include the proposed defendants. The proposed defendants are the purchasers of the portion of suit property as per the Sale Deed dated 29.04.2005, 06.07.2005, 04.05.2006, 06.04.2013, 06.01.2023, 06.04.2013 and 06.01.2023. The said purchasers are proper and necessary parties. For proper adjudication of the case, impleadment is necessary. Due to oversight and due to lack of knowledge, plaintiff could not give the details to the advocate. Recently with the help of the relatives, plaintiff traced the names and addresses of the proposed defendants and given instructions to the advocate to prepare the application. Plaintiff has good case on merits. Hence, application is to be allowed. It will not cause hardship to the defendants. If it is not allowed, it



will cause hardship to the plaintiff. Hence, it is necessary to allow the application.

3. Proposed defendant No.25 to 27 have filed objection stating that application is not maintainable. The proposed defendants are not necessary and proper parties. They are not required for effective adjudication of the suit. Plaintiff has no locus standi to file the suit. Plaintiff is not family member of Dasappa Shetty. Hence, question of impleading the proposed defendants doesn't arise. Suit is filed in the year 2007. The plaintiff has not impleaded the proposed defendants till August 2025. Suit came to be decreed as per the Judgment dated 01.07.2014. It was challenged in R.F.A. before the Hon'ble High Court of Karnataka and R.F.A was allowed and case is remanded to the Trial Court for fresh disposal. Subsequently, as an after thought, plaintiff came with the present application and it is not maintainable. The description of the suit property is not correct and it is not available for partition. As on the date of filing of suit, Thammannashetty was not alive. His son was added as defendant No.1. Suit continued till 2025. Now after lapse of 18 years, plaintiff has come with the



application. If the person is not necessary party, he is not to be impleaded. There is delay in filing application. Plaintiff has suppressed material facts. Schedule property is not properly described. Accordingly, it is prayed to dismiss the application.

4. Heard both and perused the materials on record.

5. The plaintiff has filed the suit for the relief of Partition seeking share in respect of suit property in Sy.No.347 measuring 3 Acres 6 Guntas. The prayer is sought to allot 1/6th share(1/3rd share in 1 Acre 32 Guntas of land of brother of plaintiff). It is stated that suit property is the ancestral property. The plaintiff and defendant No.1 to 8 are in joint possession and enjoyment of suit property. It is also stated about propositus of joint family. It is also stated that joint family business is assisted by the father of plaintiff and father of defendants No.5 to 7. Joint family had good source of income. Out of joint family fund and joint labour of father of plaintiff and uncle, suit property was acquired and hence it is joint family property and plaintiff and defendant No.1 to 8 are



in joint possession and enjoyment of suit property. They are in peaceful possession and enjoyment of the same. There is no partition in the joint family. Without effecting partition, the plaintiff and her brothers are living separately in a joint family house. It is also stated that defendant No.1 to 4 on 18.12.2002 effected partition between themselves under registered Partition Deed without joining plaintiff as party. They have not allotted share to the plaintiff. They have got revenue entries and plaintiff demanded defendants to effect partition and they have failed to allot the share. To deprive the legitimate share of the plaintiff, defendant No.1, 3 and 4 and their family members alienated portion of suit property in favour of defendant No.9 under registered Sale Deeds on 23.11.2006 and hence Sale Deeds are not binding on the plaintiff. Plaintiff is not party to the said Sale Deeds. Defendants are making hectic efforts to alienate suit property in favour of third person.

6. Present application is filed by the plaintiff to implead the purchasers of portion of suit property. It is opposed by filing objection by the proposed defendants stating that



application is filed at belated stage and plaintiff is not family member and she has no locus standi to file the suit. Whatever, the contentions may be, the suit is for partition. Plaintiff has filed the suit seeking share in respect of suit property and stating that she is in joint possession and suit property is the joint family property. It is her burden to prove the same. But, present application is to implead the proposed defendants who are the portion of purchasers of suit property. In support of the application, the advocate for plaintiff has produced the documents. They are the Sale Deeds for the 2005, 2006, 2013 and 2023. It is fact that even prior to filing of suit, there was alienation in respect of portion of suit property in the year 2005. Only on the basis of said fact, the application can't be rejected. For effective adjudication of the suit, it is necessary to implead the proposed defendants since they are the purchasers of portion of suit property. Delay can be met by imposing cost. Hence, there are grounds in the application. Objection is not sustainable. Apart from this, it is stated in para No.4 of the application that due to oversight and lack of knowledge, plaintiff could not give the details of the said persons. The reason can be



considered at this time by considering the nature of the suit and facts and circumstances of the case. The materials on the record are supporting the application averments. Hence, on perusal of entire materials on the record, I am of the opinion that application is liable to be allowed. Accordingly, I pass the following:

ORDER

I.A.No.9 filed under Order 1 Rule 10(2) of C.P.C., by the plaintiff is hereby allowed on cost of Rs.1,000/-.

For impleadment and amended
plaint.

Sd/-
(Loksha.M.G.)
I Addl Sr.Civil Judge & Jmfc.,
Devanahalli.