



**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 03rd July, 2026

O.S.No.443/2020

BETWEEN:

Sri. Krishnappa and others : **Plaintiffs**

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

AND:

Smt. Sonnappa and others : **Defendants**

(Defts.1 - By Sri. R.T.N., Advocate)

(Deft.2- By Sri. B.M.R., Advocate)

(Deft.3- Exparte)

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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 implead the proposed parties as Defendant Nos.4 and 5.</i>



iii	<i>The date on which the application is filed</i>	17-11-2023
iv	<i>Number of the application</i>	I.A.No. 6
v	<i>Date of filing objection</i>	05-02-2024
vi	<i>Date of Pronouncement of Order</i>	03-07-2026

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

ORDER

1. *The present application is filed by the plaintiffs under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure seeking permission to implead the proposed parties as Defendant Nos.4 and 5.*

Averments in the Application

2. *It is averred that the plaintiffs have instituted the present suit for partition and separate possession in respect of the ancestral joint family properties, which originally belonged to the plaintiffs' grandfather, namely Papaanna.*

3. *It is further averred that during the pendency of the suit, Defendant No.1, despite the pendency of the proceedings, entered into a settlement/transfer in favour of the proposed Defendant Nos.4 and 5 on 26.09.2023 and executed a registered*



agreement to sell in their favour. On the strength of the said agreement to sell, the proposed Defendant Nos.4 and 5 are claiming possession as well as independent rights over the suit schedule property.

4. It is further stated that the plaintiffs intend to seek an additional relief declaring that the said agreement to sell dated 26.09.2023 is not binding upon their share in the suit schedule property. Therefore, the presence of the proposed Defendant Nos.4 and 5 is necessary for complete and effective adjudication of all the disputes involved in the suit. Hence, the plaintiffs pray to allow the application.

Objections

5. The proposed Defendant No.5 has filed detailed objections contending that the application is not maintainable either on facts or in law. It is contended that the plaintiffs have no right, title or interest over the suit schedule property. It is further contended that Defendant No.1 was the absolute owner of the property and had lawfully dealt with the same. The proposed defendants claim rights under the registered document and contend that they are in lawful possession of the property. Therefore, they seek dismissal of the application.

Point for Consideration

Whether the plaintiffs have made out sufficient grounds to implead the proposed Defendant Nos.4 and 5 under



Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure?

Finding

6. *The above point is answered in the Affirmative for the following:*

Reasons

7. *Perused the application, objections and the records.*

8. *The present suit is one for partition and separate possession. It is the specific case of the plaintiffs that during the pendency of the suit, Defendant No.1 executed a registered agreement to sell dated 26.09.2023 in favour of the proposed Defendant Nos.4 and 5, who are now asserting rights and possession over the suit schedule property on the strength of the said document.*

9. *The plaintiffs also seek to challenge the binding nature of the said settlement deed insofar as their alleged share in the suit schedule property is concerned. Therefore, the rights claimed by the proposed Defendant Nos.4 and 5 arise directly out of the subject matter of the present suit.*

10. *The contention of the proposed defendants that the plaintiffs have no right over the suit property and that Defendant No.1 was competent to execute agreement to sell dated*



26.09.2023 relates to the merits of the dispute. Such questions cannot be adjudicated while deciding an application under Order I Rule 10(2) CPC.

11. The object of Order I Rule 10(2) CPC is to ensure that all persons whose presence is necessary or proper for complete and effective adjudication of the questions involved in the suit are before the Court. Since the proposed Defendant Nos.4 and 5 claim rights under the registered agreement to sell executed during the pendency of the proceedings, any decree passed in their absence may result in multiplicity of proceedings and may not effectively determine the controversy between the parties.

12. Their presence is, therefore, necessary for complete, effective and final adjudication of all the questions involved in the suit. No prejudice would be caused to the existing parties by permitting their impleadment.

13. Accordingly, this Court is of the considered opinion that sufficient grounds are made out to allow the application. Consequently, I proceed to pass the following;

ORDER

The application filed by the plaintiffs under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure is hereby allowed.



The proposed parties are ordered to be impleaded as Defendant Nos.4 and 5.

The plaintiffs shall carry out the necessary amendment in the cause title and furnish the A/Plaint by 01.08.2026.

(Dictated to the Stenographer on computer, typed by her, revised, corrected and then pronounced by me in the open Court on this the 03rd day of July, 2026.)

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