



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

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

**O.S.No.488/2022**

**Dated this the 25<sup>th</sup> day of April, 2026.**

**PLAINTIFFS:** Sri. T.Channappa & Another  
(By Advocate Sri. P.V.R.)

**V/s.**

**DEFENDANTS:** Smt. Munithayamma & Others  
(By Advocates Sri. M.C.,)

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|-------------|---|-----------------|
| <b>i.</b>   | Provision under which the application is filed                    | Order 1 Rule 10 |
| <b>ii.</b>  | Relief sought for   | Impleadment     |
| <b>iii.</b> | The date on which the application is filed                        | 04.04.2026      |
| <b>iv.</b>  | Number of the application   | 8               |
| <b>v.</b>   | The date on which the objections are filed by different opponents | 04.04.2026      |
| <b>vi.</b>  | The date on which the orders were passed on the said application  | 25.04.2026      |



**ORDER ON I.A.No.VIII**

I.A.No.8 is filed by the proposed defendants under Order 1 Rule 10(2) of C.P.C., to implead in this case.

**2.** It is stated in the accompanying affidavit that plaintiffs have filed the suit for the relief of Specific Performance of Contract on the basis of Sale Agreement dated 05.08.2019. Their mother Sunandamma is the daughter of G.Anjinappa. Suit property was purchased by Anjinappa as per the registered Sale Deed dated 12.11.2007. Anjinappa died intestate on 30.07.2018. Their mother Sunandamma died intestate on 25.01.2017. Proposed defendants are collectively having share in the suit property and defendant No.1 to 4 or Anjinappa had no absolute right over the suit property. Hence, Sale Agreement executed by them in favour of plaintiffs is not valid and not enforceable. Proposed defendants are parties to litigation related to the mutation entry before Assistant Commissioner. Mere katha in the name of Anjinappa in respect of suit property doesn't vest any absolute rights with him to alienate suit property. It is most necessary to come on record. Hence, it is prayed to allow the application.



**3.** Plaintiffs have filed objection stating that suit property was purchased by Anjinappa through registered Sale Deed dated 12.11.2007. Accordingly, his name came to be entered in the revenue records. In a suit for Specific Performance, third party can't be made as party to the suit since obligation is binding only upon the parties to the agreement. Hence, application is not maintainable. Defendants have executed Sale Agreement and received substantial sale consideration amount from the plaintiffs. Defendants didn't perform contractual obligations. Hence, plaintiffs have filed this suit. Plaintiffs led their evidence and marked documents. Defendants have also completed their evidence. Plaintiffs have argued the case on main. I.A.No.7 was also filed at the instigation of defendants and present application is also filed with malafide intention to drag the case without any cause. If at all, proposed defendants are having any manner of rights, they can avail through separate legal remedy by way of filing separate suit. They can't be impleaded in the present suit. They are not parties to the agreement. Hence, it is prayed to reject the application.



4. Heard both and perused the materials on record.
5. The plaintiffs have filed the suit for the relief of Specific Performance of Contract on the basis of Sale Agreement dated 05.08.2019. Present application is filed by the proposed defendants at the time of defendants arguments. This is a suit for relief of Specific Performance of Contract. Only parties to the Sale Agreement are proper and necessary parties. Third parties can't be impleaded in a suit for Specific Performance as per the decision in Kasthuri case. Apart from this, proposed defendants have not shown any independent rights in respect of suit property. Hence, they can't be impleaded in this suit. By considering nature of the suit and facts and circumstances of the case, I am of the opinion that there are no grounds in the application. Objection is sustainable. If at all, proposed defendants are having any right over the suit property, they can avail by way of filing necessary suit before proper forum. But, they are not necessary parties in this suit. In the application, It is stated that Anjinappa died in the year 2018 and their mother Sunandamma died in the year 2017. Suit was filed in the year 2022. Present application is filed in the year



2026 when the case is posted for defendants arguments. There is also inordinate delay in filing the application. Even otherwise, there are no valid grounds in the application. It appears that to drag the case, the application is filed. Hence, it is not maintainable. The advocate for proposed defendants has produced the documents. They are Death Certificate of Sunandamma. Family Trees and Order passed by Assistant Commissioner. As per the above said discussion, if proposed defendants are having any right over the suit property, they can take recourse before proper forum and not in this suit by way of this application. Accordingly, I am of the opinion that application is liable to be dismissed. Hence, I pass the following:

**ORDER**

I.A.No.8 filed under Order 1 Rule 10(2) of C.P.C., by the proposed defendants is hereby dismissed.

Sd/-

**(Loksha.M.G.)**

**I Addl Sr.Civil Judge & Jmfc.,  
Devanahalli.**