



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

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

O.S.No.652/2025

Dated this the 14th day of January, 2026.

PLAINTIFFS: Sri. Nagarajappa & Others

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

V/s.

DEFENDANTS: Smt. Muniyamma & Others

(By Advocate Sri. C.S.S.K.)

i.	Provision under which the application is filed	1 Rule 10
ii.	Relief sought for	Impleadment
iii.	The date on which the application is filed	10.07.2025
iv.	Number of the application	3
v.	The date on which the objections are filed by different opponents	05.11.2025
vi.	The date on which the orders were passed on the said application	14.01.2026



ORDER ON I.A.No.III

I.A.No.3 is filed by the plaintiffs under Order 1 Rule 10(2) of C.P.C., to implead the proposed defendant in this case.

2. It is stated that suit is for partition. After filing of suit, defendants have sold item No.4 property in favour of proposed defendant on 18.06.2025 without consent and knowledge of the plaintiffs and hence it is illegal and improper. The plaintiffs have filed objection before the revenue authority not to change katha in the name of proposed defendant. Defendants and proposed defendant have no independent right over the said property. The subsequent transactions are not binding on the plaintiffs. Proposed defendant has no right over the suit the property since he has purchased during the pendency of the suit. Hence, it is just and necessary to implead the proposed defendant in this case. Plaintiffs have made out the grounds to allow the application. Accordingly, it is prayed to allow the application.



3. Objection is filed stating that the Sale Deed in favour of proposed defendant is valid and bonafide executed by defendants for valid consideration. Possession has been delivered. Plaintiffs have suppressed material facts. They are at liberty to seek their share if they are entitled. They can't prevent valid alienation made by the other coparceners. Application is filed to drag the case. Proposed defendant is not necessary and proper party in the suit. Suit properties were partitioned between Thotlappa and Muniyamma. Muniyamma was allotted item No.4 property. She along with her family members sold the said property in favour of proposed defendant and it is a valid document. Thereafter, katha and mutation was changed in the name of proposed defendant and he has become owner of the said property. Hence, it is prayed to dismiss the application.

4. Heard both and perused the materials on record.

5. The plaintiffs have filed the suit for the relief of partition seeking share in respect of suit properties. They have also sought Partition Deed dated 11.03.2025 is illegal and not binding on the share of the plaintiffs. They have



also sought for the relief of Permanent Injunction restraining the defendants from alienating the suit properties. It is stated about the joint family and joint family members. It is also stated that there are in joint possession and enjoyment of suit properties. It is also stated that Partition Deed is not binding on them and it has been obtained even without knowledge of Thotlappa. It is their burden to prove the said plaint averments. But, during the pendency of the suit, there has been alienation by the defendants in favour of proposed defendant on 18.06.2025. Hence, proposed defendant is to be impleaded in the suit. Because, he is proper and necessary party in this case since he has purchased the item No.4 property during the pendency of suit. The advocate for proposed defendant has produced documents. They are Podi and Survey Record, Partition Deed, Encumbrance Certificate, R.T.C., Death Certificates, Family Tree, Sale Deed, Mutation Register and etc. They support the application averments. Hence, objection is not sustainable. There are grounds in the application. The proposed defendant is necessary party in this case. Without his presence, there will not be effective adjudication of the suit. Hence, I am of



the opinion that application is liable to be allowed.

Accordingly, I pass the following:

ORDER

I.A.No.3 filed under Order 1
Rule 10(2) of C.P.C., by the plaintiffs
is hereby allowed.

For impleadment and amended
plaint.

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