

KABR320002972008



IN THE COURT OF PRL. CIVIL JUDGE, & JMFC., AT

DEVANAHALLI.

Dated this 4th day of February 2026

: PRESENT:

SRI. VENKATESHA.N., B.A.LL.B, LL.M.,
PRL. CIVIL JUDGE & JMFC.,
DEVANAHALLI.

O.S.145/2008

PLAINTIFF/s : Sri. Shivakumar

V/s

DEFENDANT/s: Sri. V. Muniyappa
Dead by his Lrs.

I.A.No.XVIII

APPLICANT/s : Sri. Shivakumar
Late Munishamappa,
Aged about 40 years,
R/at Chikkanahalli Village,
Vijayapura Hobli, Devanahalli Taluk.

(By T.K.S., Advocate)

V/s

- OPPONENTS/s:**
- 1. Shamaraju**
S/o Late Pillappa,
Aged about 70 years,
 - 2. Rani**
D/o Late Pillappa,
Aged about 50 years,
 - 3. Annayappa**
S/o Late Pillappa,
Aged about 48 years,
 - 4. Rajamma**
D/o Late Pillappa,
Aged about 40 years,
 - 5. Anjinappa**
S/o Late Pillappa,
Aged about 40 years,
 - 6. Rathnamma**
W/o Late Narayanaswamy,
Aged about 75 years,
 - 7. Ramakrishna**
S/o Late Narayanaswamy,
Aged about 55 years,
 - 8. Ananda**
S/o Late Narayanaswamy,
Aged about 50 years,

9. Sujatha

D/o Late Narayanaswamy,
Aged about 45 years,

10. Suresh

S/o Late Narayanaswamy,
Aged about 43 years,

All are R/at Chikkanahalli Village,
Vijayapura Hobli, Devanahalli Taluk.

(By Sri. B.M.B., Advocate)

i.	<i>Provision under which the application is filed</i>	<i>I Rule 10(2) of CPC</i>
ii.	<i>Relief sought for</i>	<i>To implead Proposed Defendants No.1 to 10</i>
iii.	<i>The date on which the application is filed</i>	<i>20.08.2025</i>
iv.	<i>Number of the application</i>	<i>IA.No. XVIII</i>
v.	<i>The date on which the objections are filed by different opponents</i>	<i>15.12.2025</i>
vi.	<i>The date on which the orders were passed on the said application</i>	<i>04.02.2026</i>

ORDER ON I.A.XVIII

The Plaintiff/Applicant has filed this application under Order 1 rule 10(2) R/w Sec.151 of Civil Procedure Code seeking an Order to permit the plaintiff to implead opponents as defendant Nos.2 to 11.

This application was filed when the case was posted for main reply arguments.

2. It is contended by the plaintiff that, plaintiff has filed this suit against defendants for the relief of permanent injunction. Subsequently, plaint has been amended and relief of declaration also included. Suit schedule property is ancestral joint family property of plaintiff and his brothers and sisters. Khata of the suit schedule property stands in the name of plaintiff father. Defendant in the written statement as taken specific contention of miss joinder and non joinder of parties to the suit. This court has also framed an issue in this regard. The proposed defendant are necessary and proper parties to the suit. If the application is not allowed it will cause irreparable loss and injury to applicants. On the other hand, if the application is allowed no hardship will be caused to defendants. Hence, prays to allow the application.

3. On the other hand opponents (proposed defendant Nos.2 to 11) have filed common objection to applications contending that, application is not maintainable both under law as well as on facts.

Hence, liable to be dismissed. It is contended that applicant has filed this application only to drag on proceedings. This court has already dismissed similar application i.e., IA.No.17 on 27.06.2025. Hence, the present application is barred by res-judicata, Plaintiff has never pleaded joint ownership with proposed defendants. Suit was filed in the year 2008 and application is filed after lapse of 17 years. Plaintiff has filed this application when the case was posted for arguments. If the application is allowed it will cause irreparable loss and injury to the proposed defendants. On the other hand it will not cause any hardship to the plaintiff if the same is dismissed. Hence, prays to dismiss the application.

4. Heard both side arguments. Perused material on record.

5. After hearing both side arguments and perusal of material on record the points that arise for my consideration as follows:-

1. Whether the plaintiff made out that proposed defendant are necessary parties to the suit ?

2. What order?

6. After going through the material on record and after hearing both parties I have answered the points in the following:-

Point No.1 : In the **NEGATIVE**

Point No.2 : As per the final order,
for the following:-

REASONS

7. Point No.1:- It is the case of the plaintiff that the suit schedule properties are ancestral properties of plaintiff and proposed defendants. Plaintiff has filed this suit against the defendant for the relief of declaration and permanent injunction. It is pertinent to note that the suit was filed in the year 2008. Defendants filed written statement on 12.03.2008. Thereafter, both side evidence recorded and posted for arguments. When the case was posted for main reply arguments plaintiff has failed this application. In support of his case plaintiff has not produced any material to show that suit schedule property is joint family property of plaintiff and proposed defendants.

8. Further, it is pertinent to note that, this application has been filed after lapse of 17 years, when the case was posted for

arguments. This shows that application has been filed only to drag on the proceedings. This suit is filed for declaration of title and permanent injunction against the defendant. According to plaintiff, proposed defendants are joint owners along with plaintiff. It is pertinent note that, proposed defendants themselves have opposed the application. It shows that, they are not interested to implead in the suit. Hence, in the opinion of this court proposed defendants are not necessary parties to this suit. Hence, for the aforesaid reasons Point No.1 is answered in the **NEGATIVE**.

9. Point No.2:- For the aforesaid reason and discussion, I proceed to pass the following:-

O R D E R

**I.A.No.XVIII filed by the
Plaintiff/Applicant under Order 1 Rule 10(2)
R/w Sec.151 of CPC is hereby dismissed.**

**Considering the facts and
circumstances of the case no order as to
cost.**

(Dictated to the Stenographer on computer and computerized by her, corrected by me and then pronounced in the open court on this the **4th day of February 2026**)

(VENKATESHA.N)

PRL. CIVIL JUDGE & JMFC.,
DEVANAHALLI.

