

09-06-2026

ORDERS ON I.A.No.X

The present interim application is filed by the applicants/proposed Defendant No. 10 to 12 under Order I Rule 10(2) of the Code of Civil Procedure, seeking their impleadment as Defendant No. 10 to 12 in the interest of justice and equity.

2. The proposed Defendants submits that the plaintiffs have filed the present suit seeking a decree of permanent injunction in respect of the suit schedule properties. They are the impleading applicants are the absolute owners in peaceful, lawful, physical possession and enjoyment of the land bearing Sy.No.25 measuring 1 acre and Sy.No.26 measuring 1 acre 30 guntas, which is subject matter of the above suit. They further stated that the said lands were originally held and possessed by one Chikkaramaiah, who is the father of the defendant No.1 to 9 having purchased the said lands under the registered sale deed dt. 7.3.1957. The said Chikkaramaiah to meet his family and legal necessities has sold both the lands in favour of his grand-mother

Smt. Munikenchamma @ Muniyamma under the registered sale deed dt 11.02.1959. As such, they are necessary and proper party to the present suit. Therefore, in the interest of justice and to avoid multiplicity of proceedings, the proposed Defendants No. 10 to 12 are required to be impleaded as parties to the suit. Their presence is essential for the effective and complete adjudication of the issues involved. Hence, the application deserves to be allowed.

3. The plaintiffs have filed detailed objections denying all the averments made in the application and the accompanying affidavit. It is specifically contended that, the proposed impleading applicants are neither necessary nor proper parties to the above suit and their presence in the suit is not required for effective resolution of the dispute raised between the parties in the above suit and on this ground itself the application is liable to be dismissed. It is contended that the proposed defendants are neither a necessary nor a proper parties to the present suit and that no relief is sought against them. Accordingly, the plaintiffs prays for dismissal of the application.

4. I have heard arguments from plaintiff and proposed defendants and perused the material on record.

5. The points that arise for consideration of this Court are as under:

POINTS

“Whether the proposed defendant No.10 to 12 have made out sufficient grounds to allow the I.A. ?”

6. The findings of this on above Points are as under:

Point No.1 : as per the following

:: REASONS ::

7. **Points No.1:** It is submitted by the applicants that the presence of the proposed defendants are essential for a complete, effective, and final adjudication of the matters in dispute and to avoid multiplicity of proceedings. However, the plaintiffs, in their objections, have categorically asserted that the reliefs claimed in the suit are confined exclusively to the acts of the existing defendants and do not extend to the proposed defendants.

8. It is a well-settled principle of law that the plaintiffs are the *dominus litis* of the suit and is entitled to choose the parties against whom relief is sought. A plaintiffs cannot be compelled to implead any person as a defendants unless it is clearly established that such person is either a necessary or a proper party. A necessary party is one without whose presence no effective decree can be passed, whereas a proper party is one whose presence would enable the Court to completely, effectively, and finally adjudicate upon the issues involved in the suit.

9. In the present case, the proposed defendants seeks impleadment on the ground that they claims an independent right over the suit schedule property. However, it is pertinent to note that the present suit has been instituted by the plaintiffs against the existing defendants alone, seeking the limited relief of permanent injunction. The cause of action pleaded in the present suit is confined to the alleged interference by the existing

defendants with the plaintiffs possession and enjoyment of the suit schedule properties. The plaintiffs have categorically opposed the impleadment of the proposed defendants and has specifically stated that no relief, either directly or indirectly, is sought against their in the present suit.

10. It is well settled that, for the purpose of impleadment under Order I Rule 10(2) of the Code of Civil Procedure, a party can be said to be necessary only if, in their absence, no effective decree can be passed, or proper if their presence is required for complete and final adjudication of the issues involved. In the present case, the controversy between the plaintiff and the existing defendants can be effectively and completely adjudicated without the presence of the proposed defendants. The determination of possession and alleged interference does not depend upon the adjudication of the proposed defendants alleged rights.

11. In the absence of any relief sought against the proposed defendants, and considering the limited nature of the relief claimed in the present suit, this Court is of the considered opinion that the presence of the proposed defendants are neither essential nor necessary for the effective adjudication of the issues involved. Accordingly, the proposed defendants cannot be regarded as either a necessary or a proper party to the present suit. For the foregoing reasons, the application seeking impleadment under Order I Rule 10(2) of the Code of Civil Procedure is devoid of merit and is liable to be rejected. **Hence, this Court proceeds to pass the following order.**

-:: ORDER ::-

I.A.No.X, filed by the proposed defendant No.10 to 12 under Order I Rules 10(2) R/w Section 151 of the Code of Civil Procedure respectively are hereby dismissed.

For plaintiff evidence finally as last chance by 29-06-2026.

09-06-2026
Vishwanath Savadi
Civil Judge and JMFC,
Krishnarajapura.