



IN THE COURT OF PRL. SENIOR CIVIL JUDGE, &
C.J.M., CHIKAMAGALUR.

Present : Smt. Kumari Sujatha.
B.com.L.L.B.,
Prl. Senior Civil Judge & CJM.,
Chikkamagalur.

OS. No. 43/2023

Dated this the 3rd day of December, 2025.

Plaintiff : 1. Smt Renukamma,
W/o late Sri Shadakshari,
Aged about 48 years.

2. Sri Anand A.S,
S/o late Sri Shadakshari,
Aged about 25 years.

Both are R/o Aradavalli Village,
Muguluvalli Post,
Amble Hobli,
Chikkamagaluru Taluk.

(By Sri BMLG., Advocate)

V/s

Defendants : 1. Smt Manjula,
W/o late Sri Shadakshari,
Aged about 55 years,

2. Smt Asha,
W/o Sri Rudresh,
D/o late Sri Shadakshari,
Aged about 33 years.



3. Sri Aruna,
S/o late Sri Shadakshari,
Aged about 29 years.

All are R/o Aradavalli Village,
Muguluvalli Post,
Amble Hobli,
Chikkamagaluru.

(By Sri KBN., Advocate)

PARTIES TO I.A. No. III

Defendants : Manjula and Others

V/s

Plaintiff : Smt Renukamma & Others

ORDER ON I.A. NO.III

The instant Application is filed by the Learned Counsel for the Defendant No.1 to 3 under Order VI Rule 17 R/w Sec.151 of CPC with a prayer to permit him to implead the proposed property as item No.11 in the suit.

2. This Application is resisted by the Learned Counsel for the Plaintiff by filing his



detailed Objection with a prayer to dismiss the Application.

3. Heard both sides.

4. Perused I.A., Affidavit, Objection and the materials available on record.

5. Now the Point arises for the determination of this court are as under :

POINTS

1) Whether the Learned Counsel for the Defendants has made out sufficient grounds to allow IA. No. III filed under Order VI Rule 17 CPC ?

2) What Order ?

6. My findings on the above Points are as under :

Point No. 1 : In the Negative

**Point No. 2 : As per the final Order,
for the following**

REASONS

Point No. 1 :-

7. The instant Application is filed by the Learned Counsel for the Defendant No.1 to 3 with a prayer to permit him to implead the



proposed property as item No.11 in this case. This application is supported by an affidavit of the Defendant No.1 stating that the Plaintiff has filed suit for Partition and Separate possession of the Suit schedule property in which one property which stands in the name of her husband i.e., Shadakshari S/o Mallappa was not mentioned in the Suit schedule property by the Plaintiffs. The said property was not at all transferred to other persons, as such it is still stands in the name of her husband and the Plaintiffs have intentionally not brought as subject matter of the present case. Hence, she has prayed to allow the application.

8. On the other hand, the learned counsel for the Plaintiff has filed his detailed objection inter-alia contended that there is no valid and reasonable grounds are made out to allow the application. Further he contended that the suit of the Plaintiffs has already been posted for cross-examination of PW.1 and now the Defendants have filed the present application which is not maintainable and the Defendants cannot seek for any amendment in the Plaint



filed by the Plaintiff. Further he contended that the option left to the Defendants is to amend their Written statement by taking contention that property has been left out or the Defendants can file a counter Written statement by including the said properties. On these grounds, he has prayed to dismiss the application.

9. I have gone through materials available on record. Admittedly, the present suit is filed by the Plaintiffs against the Defendants for Partition and Separate Possession of their share in the Suit schedule property. However, in pursuance of service of suit summons to the Defendants, the Defendants had appeared before the Court and filed their Written statement. In the Written statement the Defendants have taken contention that the Plaintiffs have not mentioned one more property i.e., house bearing khata No.47B in the Suit Schedule and had taken contention that the suit of the Plaintiff to be dismissed for the non-joinder necessary property. Accordingly, the Defendants had filed



the present application with a prayer to implead the said property as item No.11 in the suit.

10. As rightly pointed out by the Learned Counsel for Plaintiff that the Defendant cannot ask or direct the Plaintiff to include the property in the Plaint. They can say it in their Written statement. However, the Defendants have mentioned the non-inclusion of one property in their Written statement. Therefore, there is an opportunity to raise issue in this regard also. By these observations, this Court is of the opinion that there is no grounds to allow the application. Accordingly, I answer point No.1 in the ‘**Negative**’.

11. **Point No.2** : As per my detailed discussion to Point No.1 as stated supra, and my answer to the above Point No.1 is in the “**Negative**”, I proceed to pass the following:

ORDER

**I.A. No. III filed by the Learned
Counsel for the Defendants under Order**



**VI Rule 17 R/w Sec. 151 of CPC, is
hereby dismissed.**

No order as to costs.

(Dictated to the stenographer, computerized and Print-out
taken by her, Script corrected, signed and then pronounced
by me in the open Court on this day **3rd day of December
2025**)

Sd/-

**(Smt. Kumari Sujatha)
Prl. Senior Civil Judge & CJM
Chikkamagaluru**