

ORDERS ON IA No.14 & MEMO

The IA No.14 has been filed by the plaintiff / Secretary of Sri. Rama Devara Sanga, under Order 1 Rule 10(2) R/w Sec.151 of CPC seeking to implead the opponent namely Sri. Mallikarjun S/o late Giriyappa to this I.A as additional defendant.

2. The IA No.14 is accompanied by an affidavit filed by the plaintiff / Secretary of Sri. Rama Devara Sanga. It is stated that he is the Secretary of plaintiff Sanga and the suit schedule property has been purchased on behalf of Sri. Rama Devara Sanga from D.L. Giriyappa through a registered sale deed dated 06.05.1978 and he is no more. The proposed defendants are the children of said D.L. Giriyappa and hence, they are necessary parties to the proceedings. Accordingly, sought to allow the IA No.14.

3. In response to notice of this I.A., the opponents / proposed defendant No.5 appeared through his counsel and submitted no objections to IA No.14.

4. Heard Sri.MSH for plaintiff Sanga. Perused the case records.

5. The points arise for consideration are as follows;

1. Whether the opponent / proposed defendant – Sri. Mallikarjun is proper and necessary party?
2. What order?

6. Answers to the above points are as under;

Point No.1 : In the Affirmative,

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

REASONS

7. **Point No.1** :- The plaintiff Sanga represented by its Secretary by name – Sri. P.C. Kumarswamy has instituted this plaint against the defendants for the relief of declaration and injunction. As per the plaint averments, the suit schedule property originally belonged to P.H. Hanumanthappa, the father of defendants. He had sold the same in favour of D.L. Shivalinga Shetty S/o Rachappa Shetty under a registered sale deed dated 10.12.1971 (wrongly mentioned in the plaint 10.12.1991). Said Shivalinga Shetty had sold the same in favour of D.L. Giriyappa under a registered sale deed dated 30.10.1974 and said D.L. Giriyappa had sold the same in favour of plaintiff Sanga under a registered sale deed dated 06.05.1978. Since the date of purchase, it is the plaintiff Sanga which is in peaceful possession and enjoyment over the suit schedule property. It is specifically contended that though the aforesaid sale proceedings are taken place, but katha stood in the name of P.H. Hanumanthappa. Though the J slip based on the sale deed dated 06.05.1978 was submitted to the concerned revenue authorities, but they have not mutated the same in favour of the purchaser. After the demise of P.H. Hanumanthappa, the katha with respect to the suit schedule

property was made out in the name of 1st defendant, which warranted the plaintiff Sanga to institute this comprehensive suit for declaration of its title over the suit schedule property and consequential relief of perpetual injunction.

8. This application was initially filed seeking to implead all the children of Giriyappa namely Sri. Umeshanna, Sri. Mallikarjuna, Sri. Mohan Kumar, Sri. Nagaraju and Sri. Madhu Kumar, but under a memo, the learned counsel for the plaintiff's Sanga has continued the application only against the Sri. Mallikarjuna and got the application claim against the remaining parties referred above as not pressed. Sri. Mallikarjuna S/o Giriyappa i.e., the only opponent has submitted no objections to this application. According to the application averments, the opponent Sri. Mallikarjuna being the son of Giriyappa i.e., the vendor of plaintiff under a registered sale deed dated 06.05.1978 is sought to be impleaded as proper and necessary party. In view of the aforesaid averments, indeed the opponent Sri. Mallikarjuna is found to be proper and necessary party. At the same time, it is also necessary to mention that all the other legal heirs of Giriyappa referred above are also found to be necessary parties, but for the best reasons known to the plaintiff Sanga, the present application was withdrawn against the remaining legal heirs of aforesaid Giriyappa. Since, it is a comprehensive suit for declaration and consequential relief of injunction, it is for the plaintiff Sanga to implead all the right holders having interest in the

disputed property on hand. It is up to the plaintiff Sanga, whether implead or not, but same should be subject to final adjudication. Accordingly, **the point under consideration is answered in the Affirmative.**

9. **Point No.2** :- In view of discussions in the foregoing point, the following;

ORDER

IA No.14 filed by the plaintiff, under Order 1 Rule 10(2) R/w Sec.151 of CPC is allowed.

The plaintiff is permitted to implead the proposed defendant – Sri. Mallikarjun as 3rd defendant.

Call on for amendment: 06.07.2026.

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced in open court on this 17th day of June - 2026)

Senior Civil Judge ,
Kadur.