

KACM200001252015



IN THE COURT OF SENIOR CIVIL JUDGE,
AT: KADUR

Present:- Sri. IRFAN.
B.A., LL.B.,
Senior Civil Judge & JMFC,
Kadur, Chikkamagaluru District.

Dated: this the 22nd day August - 2025

O.S.No.5/2015

Plaintiffs:- Sri. Hanumanthappa & another.
(By: Sri. M.O.J., Advocate)

V/s

Defendants:- Sri. Obalappa and others.

(Defendants No.1 by: Sri. H.N.S. & Sri. S.N.A.,
Advocates).

(Defendants No.2 and 6 by: Sri. B.R.,, Advocate).

(Defendant No.3 by: Sri. K.S.R., Advocate).

(Defendants No.4 & 5 - Exparte).

**RANK OF THE PARTIES ON I.A.NO.27**

Applicants/
Plaintiffs

: Sri. Hanumanthappa & others.

V/s

Opponents /
Defendants

: Sri. Obalappa & others.

Proposed Defendants :

8. Sri. G. Sridhara,
S/o Govindappa,
Aged about 41 years,
Agriculturist,
R/o Jodithimmapura Village,
Birur Hobli, Kadur Taluk.
9. Sri. Keshava Murthy T,
S/o Tukkoji Rao,
Aged about 48 years,
Agriculturist,
R/o Behind Ganesh Saw Mill,
Venkateshwaranagara,
Kadur Town, Kadur Taluk.
10. Sri. Ravi N,
S/o Narasimhappa,
Aged about 41 years,
Agriculturist,
R/o Hullehali Village,
Birur Hobli, Kadur Taluk.
11. Sri. Rakesh H.L.,
S/o Lokeshappa H.O.,
Aged about 29 years,



Agriculturist,
R/o Hullehalli Village,
Birur Hobli, Kadur Taluk.

(Proposed defendant No.9 by: Sri. K.A., Advocate)

(Proposed defendants No.10&11 by: Sri. T.G., Advocate)

i	<i>Provision under which the application is filed</i>	<i>U/O 1 Rule 10 (2) R/w Sec.151 of CPC</i>
ii	<i>Relief sought for</i>	<i>Implead the proposed defendants as defendants No.8 to 11.</i>
iii	<i>The date on which the application is filed</i>	<i>18.06.2025.</i>
iv	<i>Number of the application</i>	<i>27</i>
v	<i>The date on which the objections are filed by different opponent</i>	<i>18.08.2025 by the defendants No.10 and 11.</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>22.08.2025.</i>

When the case is posted for further cross of PW-1, the plaintiffs have filed this application.

ORDERS ON I.A.27

The applicants / plaintiffs have filed this IA, under Order I Rule 10(2) R/w Sec.151 of C.P.C., and prays to implead the proposed defendants as defendants No.8 to 11 by contending that the plaintiffs have filed this suit against the defendants for the relief of partition and separate possession and the suit schedule properties



are the ancestral and joint family properties and there is no partition taken place in the joint family of plaintiffs and defendants. Such being the case, there are some sale deeds and gift deed made in favour of proposed defendants on different dates and those documents does not bind the legitimate share of the plaintiffs over the suit schedule properties. In order to adjudicate the controversy between the parties, the purchasers and donees have been sought to be impleaded.

2. In spite of service of notice, except proposed defendants No.10 and 11, the other proposed defendants have been remained absent.

3. The proposed defendants No.10 and 11 in their objections admits regarding the execution of gift deeds dated 26.03.2025 in their favour with respect to suit schedule item No.4 property by the 1st defendant, but it is contended that those properties are the self-acquired properties of 1st defendant and the plaintiffs have no right to question the rights created in favour of proposed defendants No.10 and 11. The proposed defendants No.10 and 11 are nowhere concerned to the



present suit proceedings and accordingly, sought to dismiss the same.

4. Heard on both sides.

5. The Points arise for my consideration is as follows;

1. Whether the presence of the opponents is just and necessary to decide the controversy between the parties?

2. What order?

6. My answer on the above points are as follows:-

Point No.1 - In the affirmative;

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

REASONS

7. **Point No.1:** The present suit is for the relief of partition and separate possession, wherein as per the contentions of the plaintiffs themselves and the defendants are the members of Hindu undivided joint family and the suit schedule properties are their ancestral and joint family properties and no partition is



effected between them till date. On the other hand, the contesting defendant No.1 has taken a contention that suit schedule item No.1, 3 to 6, 9 and 10 properties are not available for partition. When the matter is pending for further evidence on behalf of the plaintiffs, the present application has been filed seeking for impleading the proposed defendants and the documents produced along with this application specifically discloses that the proposed defendant NO.8 has purchased an extent of 06 guntas of land in Sy.No.37/9 i.e., suit schedule item No.21 property under a registered sale deed dated 25.06.2020, proposed defendant No.9 has purchased an extent of 19 guntas of land in Sy.No.37/5 i.e., suit schedule item No.22 property under a registered sale deed dated 31.12.2019, proposed defendant No.10 has acquired an extent of 2-00 acres, the proposed defendant No.11 has acquired an extent of 2 acres 08 guntas of land in Sy.No.17/1 i.e., suit schedule item No.4 property under a registered gift deeds dated 26.03.2025 from the 1st defendant. All the aforesaid transactions are taken place during the pendency of this suit proceedings and in view of the same, the proposed defendants are



proper and necessary parties for the effective adjudication of the suit on merits. Their presence would assist the court in arriving at just conclusion and also to safeguard their respective interests. Accordingly, the point under consideration is answered in the **affirmative**.

8. Point No.2: In view of the above findings on point No.1, the following;

ORDER

I.A.No.27 filed by the plaintiffs, under Order 1 Rule 10(2) R/w Sec.151 of CPC is allowed.

Plaintiffs is permitted to implead opponents as defendants No.8 to 11.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 22nd day of August, 2025)

Sd/-

(IRFAN)
Senior Civil Judge,
Kadur.