

ORDERS ON IA No.II.

This IA has been filed by the plaintiffs, under Order I Rule 10 R/w Sec.151 of CPC seeking to implead the opponents to this I.A as additional defendants, in the interest of justice and equity.

2. This IA is accompanied by an affidavit filed by the 1st plaintiff. It is stated that he and other plaintiffs have filed this suit seeking for the relief of declaration over the suit schedule properties. The 4th defendant in his written statement contended that the suit is bad for non-joinder of necessary parties i.e., other family members. The proposed defendants are the members of their joint family. Proposed defendants No.16 and 17 are the children of 4th defendant. As on the date of filing of the suit, 1-06 acres of land out of plaint schedule property stood in the katha of proposed defendant No.17. The proposed defendants No.16 and 17 and 4th defendant are family members. Likewise, proposed defendant No.18 is daughter of Sundajji Thimmaiah. Proposed defendants No.19 to 22 are grand-daughters of Sundajji Thimmaiah i.e., daughters of Sundajji Thimmaiah and proposed defendants No.19 to 22 are children of Kariyamma. Kariyamma and Sundajji Thimmaiah are no more. Hence, they being LR's are also necessary parties to the suit. Now the portion of plaint schedule property measuring 0-31 guntas acquired by the proposed defendant No.23 and compensation amount payable to land owner is

available with it as deposit. At the time of preparing the plaint, due to bonafide mistake and oversight, he could not arrayed the proposed defendants as defendants in this suit. Since, the defendant No.4 had taken specific contention in his written statement with regard to non-joinder of necessary parties and as all the proposed defendants are necessary parties in the suit for the reasons stated supra impleading them as defendants No.16 to 23 is very much just and necessary. Hence, prays to allow the IA.

3. In response to notice of these I.A, Sri. CVS / Sri. BKY, Advocates filed vakalath for proposed defendants No.16 and 17, Sri. HNS, Advocate filed vakalath for proposed defendants No.18 and 19, AGP filed memo of appearance for proposed defendant No.23. The proposed defendants No.16 and 17 submits no objections to allow the IA. The proposed defendants No.18, 19 and 23 have not filed any objections.

4. Heard Sri.KAS for plaintiffs. Perused the case records.

5. The points arise for consideration are as follows;

1. Whether the opponents / proposed defendants are proper and necessary parties to the suit for effective adjudication?

2. What order?

6. Answers to the above points are as under;

Point No.1 : In the Affirmative,

Point No.3 : As per final order,
for the following;

REASONS

7. **Point No.1** :- The plaintiffs have instituted this suit against the defendants for the relief of declaration and perpetual injunction with respect to the suit schedule property. It is sought to declare them being the legal heirs of Sundajji Thimmanna and K.T. Hanumanthappa, they are the lawful owners in possession and enjoyment of suit schedule property. It is a matter of record that the 4th defendant in his written statement disclosed that some of the legal heirs of Sundajji Thimmaiah as described in para No.8 of his written statement have not been made as proper and necessary parties. In consideration of the same, the plaintiffs have come up with this application to implead the proposed defendants No.16 to 22 by contending that they being the family members of Sundajji Thimmaiah as described in the annexed affidavit are proper and necessary parties. The proposed defendants No.16 and 17 have submitted no objections, whereas the other proposed defendants have not filed any objections. In view of the nature of suit, the proposed defendants No.16 to 22 are found to be proper and necessary parties for the effective adjudication.

8. It is also contended in the application that a portion of suit schedule property has been acquired by the proposed defendant No.23, which is bound to pay

compensation to the lawful owners and by contending so, it is also sought to implead the Land Acquisition Officer as necessary party. Though the LAO is not a proper party to the effective adjudication of the dispute on hand, but its presence would certainly assist the court in determining the controversy effectively. In view of the same, the proposed defendant No.23 is also considered to be necessary party. 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.II filed by the plaintiffs, under Order I Rule 10 R/w Sec.151 of CPC is allowed.

It is noticed that the IA No.III is not supported by duly sworn affidavit. Therefore, the plaintiffs are called upon to comply the same.

Call on for amendment: 22.01.2026.

(Dictated to Stenographer directly on computer, on my dictation, corrected by me and then pronounced in the open court on this 14th day January-2026)

Sd/-
Senior Civil Judge ,
Kadur.