



**IN THE COURT OF THE I ADDL. CIVIL JUDGE AND JMFC,
MUDIGERE.**

Present: **Smt. Suraksha K.K.,** B.B.M., L.L.B.
I Addl. Civil Judge & JMFC.,
Mudigere.

DATED: THIS THE 22nd DAY OF JULY 2026

ORIGINAL SUIT No: 170/2024

BETWEEN

Champa Rao,
Aged about 73 years,
W/o Late Mruthyunjaya Rao,
R/o Main Road, Kalasa,
Mavinakere Village,
Kalasa Post, Hobli and Taluk,
Chikkamagaluru District.

.....Plaintiff

(Sri.K.S.Adithya, Adv.)

AND

- 1.** Parameshwara Bhat,
Aged about 61 years,
S/o Late Krishna Bhat,
Annapoorna Medicals,
K.M. Road, Kalasa,
Kalasa Post, Hobli and Taluk,
Chikkamagaluru District.
- 2.** Durgaram Patel,
Aged about 42 years,
S/o Devaram Patel,
Mahalaxmi Garments,
K.M. Road, Kalasa,
Kalasa Post, Hobli and Taluk,
Chikkamagaluru District.



- 3.** Sheik Ahamed,
Aged about 57 years,
S/o Baadsha,
Karnataka Metal Stores,
K.M. Road, Kalasa,
Kalasa Post, Hobli and Taluk,
Chikkamagaluru District.
- 4.** Malathi,
Aged about 53 years,
W/o H.B.Shamanna,
Advocate and Notary,
K.M. Road, Kalasa,
Kalasa Post, Hobli and Taluk,
Chikkamagaluru District.
- 5.** H.B.Shamanna,
Aged about 59 years,
S/o Bhima Rao,
Advocate,
R/o K.M. Road, Kalasa,
Kalasa Post, Hobli and Taluk,
Chikkamagaluru District.
- 6.** Ayn Christin D'Souza [Sujatha],
Aged about 48 years,
C/o Sunil Pathrao,
K.J. Digitals,
K.M. Road, Kalasa,
Kalasa Post, Hobli and Taluk,
Chikkamagaluru District.
- 7.** Sudhir Kumar,
Aged about 40 years,
S/o Sukumar,
Booking Centre,
K.M. Road, Kalasa,
Kalasa Post.



R/o Ganganakudige,
Kalasa Hobli and Taluk,
Chikkamagaluru District.

.....Defendants

(By Sri.M.S.Gopala Gowda, Adv.)

PARTIES ON I.A.NO.V

N.Rashmi,
Aged about 46 years,
W/o Late N.M.Harsha,
R/o Hosamane Extention,
Chikkamagaluru.

..... Applicant

AND:

Parameshwara Bhat and others

..... Opponents

1	Provisions under which the application is filed	Under Order 1 Rule 10(2) R/w Section 151 of CPC
2	Relief sought for	Permission to implead the proposed plaintiff
3	The date on which the application is filed	27.09.2025
4	Number of the application	5
5	The date on which the objection filed by plaintiff	15.10.2025
6	The date on which the order was passed on the said application	22.07.2026

(Suraksha K.K.)

I Addl. Civil Judge & JMFC,
Mudigere.

**ORDERS ON IA NO.V**

The present application has been filed by the applicant under Order I rule 10(2) R/w Section 151 of CPC seeking to implead them as plaintiff in the above suit.

2. It is the contention of the applicant that the applicant is the owner in possession and enjoyment of the suit schedule property. The suit schedule property is consisting of several premises. The said property is the self acquired property belongs to her father-in-law, one Sri.Late. Mruthunjaya Rao, who was purchased for valid consideration from his family members. During his life time, he executed the gift deed of the entire property into the name of the applicant's husband by name N.M.Harsha. Then, said N.M.Harsha and defendants have entered into a rent agreement and N.M.Harsha who is the husband of the applicant was collecting the rent from the defendants herein. After the demise of the said N.M.Harsha, the defendants have entered into rent agreement with applicant and they used to pay the rent to the applicant and then schedule properties have been mutated into the name of the applicant after the demise of her husband i.e., N.M Harsha. The plaintiff is not having any right, title, or interest over the suit schedule property. The rent agreement executed in the name of the applicant is still in progress. In order to provide better education for the children, the applicant is used to reside at Chikkamagaluru and taking the undue advantage



of the same the plaintiff by suppressing the real fact has come up with this suit. On the other hand there is a partition suit before Senior Civil Judge, Mudigere under OS No.57/2024 which is still pending for adjudication. Hence, prays to implead her as plaintiff in the present suit.

3. On the other hand learned Counsel for plaintiff has filed his objection to the present application by stating that the application is not maintainable and the reason stated by the plaintiff is not acceptable. The present suit has been filed by the plaintiff against the defendants seeking for the eviction and the recovery of the rents from the defendants, who are the tenants in the suit schedule properties. The applicant is claiming pertaining to the ownership, arising out of the inheritance and separate partition suit, which has no direct bearing on the present proceeding. Allowing the present application would un-necessarily complicate and delay the suit and converting it into a title dispute and prays to reject the application.

4. Learned counsel for both the parties filed written arguments and perused the materials on record. In view of the above contentions, the following points arise for consideration:

- 1. Whether the applicant made out any ground to implead her as plaintiff in the present suit?**

**2. What order?**

5. The answers of this Court on the above points are as under:

Point No.1 : **In the Negative**

Point No.2 : **As per final order**

for the following:

REASONS

6. Point No.1: The present suit has been filed by the plaintiff against the defendants seeking for the relief of declaration, to declare the plaintiff is in management of the schedule property and she is entitled to receive the rent of the schedule property from the defendants and permanent injunction by restraining the defendants from paying the rent of the schedule property to any other person except to plaintiff, till share of the plaintiff is settled under the partition.

7. When the matter has been posted to hear on IA No.I, the applicant has come up with this application by stating that, she is in the possession and enjoyment of the suit schedule property after the demise of her husband and the plaintiff who is not having any right over the suit schedule property, has come up with this suit by suppressing the real fact in dispute and prays to implead her as plaintiff in order to resolve the actual controversy in the present suit.

8. As per Order 1 Rule 10(2) of the CPC the Court may at any stage of the proceeding if the presence of any of the



persons or a property is necessary or the presence of the said person is necessary in order to conduct the court for effectual and complete adjudication and the settled the question involved in the suit, then the Court may on the application of the either of the parties or by on its own motion can implead necessary or a proper properties in the suit.

9. Herein the present case, the plaintiff contends that the suit schedule property has been originally purchased by her husband out of the joint family income. During, his life time in order to obtain a loan, he executed gift deed in favour of his son by name N.M.Harsha. Then, the husband of the plaintiff and N.M.Harsha have lend a loan from the bank. In the meanwhile the husband of the plaintiff was dead. After the demise of the husband of the plaintiff, the husband of the applicant and son of the plaintiff i.e., N.M Harsha entered into rent agreement with the defendants herein and was also collecting the rent from them. Then, after the demise of the husband of applicant and son of the plaintiff i.e., N.M Harsha, the applicant has mutated the properties in to her name behind and back of the plaintiff and also entered into new rent agreement with defendants herein by collecting the rent from them. The plaintiff further contend she is depending on the rent amount from the defendants herein for her her livelihood, now, the defendants colluding with the daughter-in-law of the plaintiff are not paying any rent to the suit schedule property.



10. Herein, the present case, the plaintiff is claiming that she is managing the suit schedule property and she is also having right to collect the rent from the defendants and to restrain the defendants from paying the rent to any other persons except plaintiff. Therefore, the burden is on the plaintiff to prove his right, title and interest over the suit schedule property and this Court has not found any grounds in order to believe that the proposed plaintiff is necessary in order to proceed further against the defendants herein. Moreover, the plaintiff is the master of his suit and without his permission the third party cannot enter into his suit. On the other hand, the reason stated by the proposed plaintiff does not give any opinion that the presence of the proposed plaintiff is necessary in order to proceed against the defendants and to resolve the controversy raised between the plaintiff and defendants herein. Hence, no grounds made out to allow the application by impleading the proposed Plaintiff in the present suit. Therefore point No.1 answered in '**Negative**'.

11. Point No.2: In view of the above findings recorded on point No.1, this Court proceeds to pass the following;

ORDER

**I.A. No.V filed by the applicant
under Order I rule 10(2) R/w Section
151 of CPC is hereby rejected.**



**For plaintiff evidence by:
06.08.2026.**

*(Dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open court on this the **22nd of JULY 2026**).*

(Suraksha K.K.)
I Addl. Civil Judge & JMFC,
Mudigere.

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