



IN THE COURT OF SENIOR CIVIL JUDGE & JMFC., AT
MUDIGERE

Dated this the 16th day of December 2025

Present :: Sri.Prakash P.M, *M.B.A, LL.B.*,
Senior Civil Judge & JMFC.,
Mudigere

OS No.43/2019

Plaintiff : Sri. K.P. Purushowthama Prabhu

- V/s -

Defendants : Sri. Teju Poojari and others

Parties to IA No.XIV

Proposed defendant: **Smt. Shalini,**
W/o Ashok Deju Poojari,
R/o Flat No. 34063,
Tata New Heaven,
Huskur road of Tumkuru road,
Vaderahalli, Dasarapura Hobli,
Matahalli, Bengalore- 562123.

Vs.

Applicant: Smt. K.P. Purushowthama Prabhu
Plaintiff:

and

Opponents:
Defendants: Sri. Teju Poojari and others



ORDERS ON IA NO.XIV

This IA.No.XIV is filed by the plaintiff under order 1 rule 10 read with section 151 of CPC, praying this court to implead the **Proposed party Smt. Shalini** W/o Ashok Deju Poojari as defendant.

2. In the memo of facts accompanying with IA it is averred that, the suit was filed by the plaintiff against the defendants for Possession of the schedule property. After filing of the suit the defendant No.2 sold 1 acre suit schedule property to proposed defendant without the consent of this court and the said sale deed was registered as before Sub-Registrar, Mudigere under SR No. 3026/2024-25 dated 28.02.2025. Hence, plaintiff prays to allow the application.

3. On the other hand the defendants have filed objection contending that the application filed by the applicants is not maintainable either in law or on facts. Neither the proposed defendant is not necessary party to the suit as they are not related to the plaint schedule property. The proposed defendant No.5 has not taken



any shares in the plaint schedule property nor he has transferred the same to the proposed defendant No.6 in spite of it to harass the proposed No.5 and 6 the application is filed. As the proposed defendant No.5 even not necessary parties and no way connected with plaint schedule property he was not made party to the suit. Hence, prays to dismiss the application.

4. The proposed defendant appeared through his counsel and filed an objection contending that the application is not maintainable under the law and the facts of the case. Proposed defendant contend that she is not a necessary party to the suit. The property purchased by the proposed defendant is not a suit schedule property. The property located in Mavinakere Village, bearing Survey No. 395/2, has fallen to the share of Prashanth, who subsequently sold it to the proposed defendant. It is important to note that this property is not the property in question for the suit. The property in question, designated as the suit schedule property, is located at Survey No. 395/4, measuring 2 acres and 30 guntas. The plaintiff has not conducted any transaction in respect of this particular property. Therefore, the



proposed defendant has requested that the application be dismissed.

5. Heard both the sides and perused the records.

6. Based on the above contention and rival contentions the following points arise for my consideration.

1. Whether the plaintiff proves that the proposed party is necessary and proper party to adjudicate the matter effectively?

2. What order?

7. My answer to the above points are as follows:

Point No.1: In the Affirmative.

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

REASONS

8. **Point No.1:** The present suit is filed by the plaintiff against the defendants for the relief of declaration of title and for possession in respect of property bearing Sy.No.395/4 measuring 2 acre 30 guntas situated at Mavinakere Village, Mudigere Taluk.



9. According to the plaintiff, after filing of the suit the defendant No.2 has sold 1 acre suit schedule property to proposed defendant without the consent of this court and the said sale deed was registered as before Sub-Registrar, Mudigere under SR No. 3026/2024-25 dated 28.02.2025. Hence, plaintiff prays to allow the application.

10. on the other hand, the defendants and Proposed defendant contend that Proposed defendant is not a necessary party to the suit. The property purchased by Proposed defendant is not a suit schedule property. The property located in Mavinakere Village, bearing Survey No. 395/2, has fallen to the share of Prashanth, who subsequently sold it to the proposed defendant. It is important to note that this property is not the property in question for the suit. The property in question, designated as the suit schedule property, is located at Survey No. 395/4, measuring 2 acres and 30 guntas. The plaintiff has not conducted any transaction in respect of this particular property. Therefore, the proposed defendant has requested that the application be dismissed.



11. Upon hearing the arguments of both parties and considering the facts of the case, it is observed that the suit has been filed for possession of the property situated at Survey No. 395/4. The plaintiff has presented sale deed dated 31.01.2021 showing that Prashanth Kumar D and others during the pendency of the suit, sold 1 acre of the property in S.No.395/11 to the proposed defendant, which could potentially affect the outcome of the suit. According to the plaintiff said property sold to the proposed defendant is part of suit schedule property.

12. After considering the submissions of the parties and perusing the records of the case, the Court finds that the proposed defendant's claim that she purchased a different property located at Survey No. 395/2, which is not the subject matter of the present suit, is not supported by clear and convincing evidence to distinguish it from the suit schedule property. Moreover, the registration of the sale deed for the property by Prashanth Kumar D and others in favor of the proposed defendant, without the consent of this Court, raises concerns about the maintenance of the status quo in the case.



13. The impleadment of the proposed defendant appears necessary to effectively adjudicate the rights of the parties concerning the suit schedule property. In the interests of justice and to avoid multiplicity of proceedings, the proposed defendant is a necessary party to the present suit. Therefore, plaintiff has made out sufficient grounds to show that the proposed defendant is proper party to the suit and accordingly I answer **point No.1 in the Affirmative.**

14. **Point No.2:** In view of the above observation, I proceed to pass the following:

O R D E R

The IA.No.XIV filed by the plaintiff Under Order 1 rule 10(2) of CPC is hereby allowed.

Plaintiff is permitted to implead proposed party i.e., **Smt. Shalini W/o Ashok Deju Poojari** as defendant No.5 on record.



For amendment and amended
plaint by 13.01.2026

No order as to costs.

(Dictated to stenographer directly on computer typed by her, revised, corrected, signed and then pronounced by me in the open court on this the 16th day of December 2025)

(Prakash P.M.)
Sr. Civil Judge & JMFC
Mudigere