

KACM710002372019



IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C, TARIKERE
ITINERATE AT AJJAMPURA

PRESENT: Sri. Rahul Shettigar, B.Com (Hons.), LL.B
Prl. Civil Judge & J.M.F.C, Tarikere

DATED THIS THE 19th DAY OF FEBRUARY, 2026

Ex.No.12/2019

BETWEEN:

Sri. Manjunatha **DECREE HOLDER**

-AND-

Sri. Marulasiddappa **JUDGMENT DEBTOR**

IN I.A.NO.I

Sri. Ranjith.M **APPLICANT/ PROPOSED**
JUDGMENT DEBTOR NO.2

-AND-

Sri. Manjunatha **OPPONENT/ DECREE**
HOLDER

PARTICULARS

<i>i</i>	<i>Provision under which the application is filed</i>	<i>Under Order I Rule 10(2) r/w Section 151 CPC</i>
<i>ii</i>	<i>Relief sought for</i>	<i>To permit the Applicant to come on record as JDR.No.2 in the petition</i>
<i>iii</i>	<i>The date on which the application is filed</i>	<i>03.01.2022</i>
<i>iv</i>	<i>Number of the application</i>	<i>I.A.No.I</i>
<i>v</i>	<i>The date on which the objections are filed by different opponents</i>	<i>01.10.2022</i>
<i>vi</i>	<i>The date on which the orders were passed on the said application</i>	<i>19.02.2026</i>

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**ORDERS ON I.A. NO. I**

1. Applicant has filed the instant application under Order I Rule 10(2) r/w Section 151 of C.P.C with the prayer to permit him to come on record as Judgment Debtor No.2 in the present petition.
2. In the affidavit appended to the application, the Applicant has contended that he is the son of the Judgment Debtor, who executed an Agreement of Sale in favour of the Decree Holder concerning the petition schedule property. The petition schedule property is the joint family property of the Applicant and the Judgment Debtor, and the Applicant has a vested interest in the same. The Applicant has filed a suit for partition and separate possession in O.S. No. 55/2013, which came to be decreed, and 1/4th share in the petition schedule property has been allotted to him. The present execution proceedings have been instituted by the Decree Holder with an intention to defeat the rights of the Applicant. Accordingly, a prayer is made to allow the application.
3. Resisting the application, the Decree Holder has filed objections contending that the application is not maintainable either in law or on facts and is liable to be dismissed in limine. The petition schedule property is the self-acquired property of the Judgment

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Debtor. The Applicant has no exclusive right, title, or interest in the same. The Applicant has filed the present application only to harass the Decree Holder. The Applicant is well aware of the proceedings in O.S. No. 369/2012 and has never questioned the Judgment and Decree passed therein. The Applicant has no right to implead himself in the present petition. The application has been filed only to protract the proceedings. Accordingly, the Decree Holder prays that the application be dismissed.

4. Heard both sides.
5. Having heard the rival contentions and on perusal of the materials, the points that would now arise for my consideration are as under -

Point No.1 : Whether the Applicant/ Judgment Debtor No.2 has made out sufficient grounds to allow the application?

Point No.2 : What Order?

6. Now, my findings on above points are as follows -

Point No.1 : In the Negative

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

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**REASONS**

- 7. Point No.1 -** The instant petition is filed seeking execution of the Judgment and Decree for specific performance passed by this Court in O.S. No. 369/2012. The Applicant has approached this Court by way of the present application seeking permission to come on record as Judgment Debtor No. 2 on the premise that the petition schedule property constitutes the joint family property of himself and JDR No. 1. It is contended that a preliminary decree for partition has been passed in O.S. No. 55/2013 and that, pursuant to the said decree, 1/4th share has been allotted to him. On that basis, he claims that he is a necessary party to the present proceedings.
- 8.** Though such a contention has been raised by the proposed JDR No. 2, not even a single document pertaining to O.S. No. 55/2013 has been produced in the present case, despite the application having been filed in the year 2022. In these circumstances, there is no clarity as to the findings rendered in the said suit. In the absence of any documentary evidence, it is difficult to conclude that a decree for partition has in fact been passed including the petition schedule property.

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9. In view of such lapses on the part of the proposed JDR No. 2, this Court is not inclined to entertain the application or grant any relief. Accordingly, the application is found to be devoid of merits and is liable to be dismissed. Hence, without pondering much, I answer **Point No.1** in the **Negative**.
10. **Point No.2** - For the foregoing reasons, the following -

ORDER

I.A No.I filed by the Applicant/ Proposed Judgment Debtor No.2 under Order I Rule 10(2) r/w Section 151 of C.P.C is hereby dismissed.

Costs made easy.

(Dictated to Stenographer, after transcription, print out corrected and then pronounced by me in the Open Court on this the 19th of February, 2026)

sd/-

(Rahul Shettigar)
Prl. Civil Judge & J.M.F.C,
Tarikere.
(Itinerate at Ajjampura)