

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC,  
KOLLEGALA.**

**Dated 08<sup>th</sup> day of December, 2025**

**O.S. No. 51/2017**

**Plaintiffs** : v. Devaraju and others

**Vs.**

**Defendants** : V. Narayanaswamy and others

**I.A. No. XVII**

**Applicant** : Yashwanth Kumar - GPA holder of  
1<sup>st</sup> plaintiff

**Vs.**

**Opponents** : V. Narayanaswamy and others - Defendants

**ORDERS ON I.A. No. XVII**

The applicant/plaintiff has filed the present I.A. No. XVII on 11.08.2025 under Order I Rule 10(2) of the CPC seeking permission to implead the proposed defendant Nos. 41 and 42 as parties to the suit.

2. It is contended in the accompanying affidavit that the father of the applicant along with other plaintiffs has

instituted the suit for partition and separate possession of the suit schedule properties against the existing defendants.

3. It is stated that the matter was posted for framing of issues. At that stage, defendant No. 28 filed his written statement dated: 15-10-2024, disclosing that Item No. 4 of the suit schedule property has been the subject matter of a registered sale deed dated: 23-12-2016, executed by defendant No. 28 in favour of the proposed defendant Nos. 41 and 42. It is further stated that defendant No. 7 is the vendor of defendant No. 28 in respect of the said property and that defendant No. 28 has also produced relevant documents in support of his averments. Hence, according to the plaintiffs, the proposed defendants have become necessary parties for a complete and effective adjudication of the dispute involved in respect of Item No. 4. It is contended that if the application is not allowed, it would result in multiplicity of proceedings and cause hardship. Hence prays for allow the application.

4. The proposed Defendant Nos. 41 and 42 have filed their objections on 29.10.2025 contending that the application is not maintainable. They deny that the plaintiffs came to know about the sale only after the filing

of the written statement by defendant No. 28. It is their contention that Item No. 4 is the self-acquired property of defendant No. 7, who was in possession and enjoyment of the same, and that the said defendant sold the property to defendant No. 28 on 28-12-2013, pursuant to which the khata was transferred in his favour. They further contend that after verifying the documents, the proposed defendants purchased the property through a registered sale deed dated: 23-12-2016 from the vendors mentioned therein and the khata was changed to their name accordingly. It is further contended that the plaintiffs were well aware of the said transactions and have no right to question the sale. They also raise the plea of limitation and allege that the application is filed only to delay the proceedings. It is further stated that the proposed defendants are suffering from age-related ailments and attending the court would be difficult. They therefore pray for dismissal of the application.

5. Heard the learned counsels for both sides. Perused the materials available on record.

6. The following point arise for my consideration:

- 1) *Whether the applicants/plaintiffs have made out any ground to allow the application?*
- 2) *What order?*

7 . My findings to the above points are:

*Point No.1: In the affirmative*

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

**REASONS:**

**8. Point No.1:** The plaintiffs seek partition and separate possession of the suit schedule properties. The written statement of defendant No. 28 discloses alienation of Item No. 4 of the schedule in favour of the proposed defendant Nos. 41 and 42. Whether the said alienation is valid, binding, or otherwise is a matter that necessarily falls for consideration in the present suit. Any adjudication regarding Item No. 4 in the absence of the purchasers would be ineffective and may lead to multiplicity of proceedings.

9. Under Order I Rule 10(2) CPC, the Court has wide discretionary power to implead parties who are necessary and proper for effective adjudication of the matter. A purchaser of the property during the subsistence of the suit or in respect of the property which is the subject matter of the suit is a proper and often necessary party. The objections raised by the proposed defendants regarding limitation, maintainability, or merits of the plaintiffs' claim are not grounds to reject an

impleadment application at this stage. Those contentions can be considered during trial.

10. The plea regarding their age and difficulty in attending Court cannot be a ground to deny impleadment, as suitable accommodations, including exemption from personal appearance where permissible, can be sought under law.

11. In view of the above, this Court is of the considered opinion that the presence of the proposed Defendant Nos. 41 and 42 is necessary for an effective and complete adjudication of the controversy relating to Item No. 4 of the suit schedule property. Hence **point No. 1 is answered in the affirmative.**

**12. Point No. 2:** For the aforesaid reasons, I proceed to pass the following:

### **ORDER**

The I.A. No. XVII filed by the applicants/plaintiffs under Order I Rule 10(2) CPC is hereby allowed.

The plaintiffs are permitted to implead the proposed defendant Nos. 41 and 42 as parties to the suit.

Necessary amendment to the cause  
title shall be carried out within 7 days.

*(Dictated to the stenographer directly on the system, transcribed by her, corrected  
and then pronounced by me in the open Court on 08<sup>th</sup> day of December, 2025).*

**(SUNITHA)**  
Senior Civil Judge and JMFC,  
Kollegala.