

KADG520018092018



IN THE COURT OF THE CIVIL JUDGE & J.M.F.C. HONNALI. AT:
HONNALI.

PRESENT: Sri. Manjunath Banakar,
B.A.L.L.B.(Spl.)
Prl.Civil Judge & JMFC,
Honnali.

Original Suit No.241/2018

Dated: 25th Day of June 2026

Plaintiff : Smt. Jayamala

Versus

Defendant : Smt. Susheelamma and others.

PARTIES TO I.A.NO.XXIII

Applicant : Smt. Jayamala

Versus

Opponent/ : A.M.Suresh S/o Mallikarjunappa

defendant No.7

Aged about 58 years

R/o: Behind Taluk office

Nyamathi town and taluk.

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ORDER ON IA-V

The present I.A No.V has been filed by the counsel for plaintiff U/o 1 Rule 10 of C.P.C. for impleading the proposed defendant No-7 in this suit and present application has been filed at the stage of further plaintiff side evidence.

2. In the annexed affidavit of the application he has mentioned that, the proposed defendant No-7 is the purchaser of the suit schedule item No-3 property and he has purchase the said property on 17.07.2019 through registered sale deed, therefore proposed defendant is the purchaser of the one of the suit property as pendent in lite, accordingly principle of lis pendency is applicable to the said sale transactions. Moreover this suit is filed for the relief of partition and separate possession of the suit properties, hence proposed defendant is become necessary party to this suit. On these grounds he sought allow this application.

3. In the other hand Ld. counsel for proposed Defendant No-7 opposed this application by filing his detailed objections, wherein he has contended that, application is false and vexatious in nature and which is not maintainable in law and lacks sufficient grounds. The proposed defendant No. 7 contends that, the Survey No.

120/7, measuring an extent of 27 guntas is the self-acquired property of defendant No. 6 and was lawfully purchased by proposed defendant No. 7 as a bonafide purchaser and the said suit property does not form part of the suit schedule or any joint family property. The application is alleged to be filed only to harass the proposed defendant No. 7, particularly when the matter is already posted for plaintiff's evidence, and allowing such impleadment would cause irreparable hardship. Hence the proposed Defendant No. 7 requests the Court to dismiss the impleadment application. On these grounds he sought reject the said application.

4. Heard the arguments of both parties on present application and after perusal of plaint averments and averments in the present application below mentioned points would arise for consideration of this Court.

Point No.1) Whether the plaintiff establishes that presence of the proposed defendant No.7 is necessary to effectual adjudication of this suit ?

Point No.2) What order?

5. My findings on the above points for consideration are as under:-

Point No.1 : In the Affirmative

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

REASONS

6. Point No.1:- The present suit is filed by the plaintiff for seeking partition and separate possession over the suit properties. As per the plaint averments present plaintiff is the daughter of defendant No.1 and sister of the defendant No.2 to 5 and plaintiff specifically pleaded that suit properties are ancestral and joint family properties and till today no lawful partition is taken place. Hence she has filed this suit.

7. Now the suit is pending for plaintiff side evidence and at this stage present application has been filed by the plaintiff stating that during the pendency of the suit defendant No-6 has sold the item No-3 in favour proposed defendant No.7, therefore since the present suit is for the partition proposed party also become necessary party. But in the other hand learned counsel for proposed defendant has contended that plaintiff has no locus standi to file this

application and since the proposed party is the bonofide purchaser of the item No-3 in the suit schedule for the valuable consideration and with out of the knowledge of the litigation he has not the necessary party to this suit. Therefore as per the rival contention of both parties now this court has to decide the points that whether the proposed defendant is necessary party to this suit.

8. Admittedly alleged property which is purchased by the proposed party is the one of the suit property in this suit and vendor of the said property also party in this suit, therefore whether the proposed defendant is the bonafide purchaser of thate property for valuable consideration and without the knowledge of this lis or not is to be considered during the trial. Moreover for considering the said fact also it is necessary to implead the proposed party in this suit, otherwise all disputes between the parties in respect suit property is not dissolved and it would be caused to multiplicity of proceedings between the parties. On these grounds this court of the opinion that applicant has made out sufficient grounds to allow this application. Hence, objections raised by the counsel for proposed defendant is

not acceptable one. Accordingly this Court answered point No.1 in the affirmative.

9. Point No.2: For the aforesaid reasons, discussions made above, considering the material on record, I proceed to pass the following:-

ORDER

I.A.No.V filed by the counsel for plaintiff U/O 1 Rule 10 of CPC is hereby allowed.

Accordingly plaintiff is hereby permitted to implead the proposed defendant No.7 in the present suit and make necessary amendment in the original pliant within 14 days from today and produce amended plaint.

For production of amended plaint.

(Dictated to the Stenographer directly on computer, computerized by steno corrected and then pronounced by me in the Open Court today the 25th day of June 2026)

(Manjunath Banakar)
Prl. Civil Judge & JMFC.,
Honnali.