

**IN THE COURT OF PRL.CIVIL JUDGE AND PRL.JMFC,
DHARWAD**

-: PRESENT :-

**Sri.AVINASH GHALI.,
B.A. LL.B.,
Prl. Civil Judge & .J.M.F.C., Dharwad**

Dated this the 22nd day of July -2025

Original Suit No.668/2012

BETWEEN

Plaintiff : Shri. Suresh S/o Krishnsharma
Betageri (Patil)
Since deceased by his LR's

(By Sri. S.T.P., Adv.)

V/s.

Defendants: Gangadhar S/o Guruswamy Hiremath
and others.

(Defendants by B.K.M Adv.)

PARTIES TO I.A.NO.18

Applicants : 1. Smt. Gurusiddvva W/o Veeratayya Hiremath
(Ori. Defs) Age: 72 years, Occ: Householder,
R/o: Ullagaddi Oni, Bhusappa Chowk,
Dharwad.

2. Smt. Vijayalaxmi W/o Virupakashayya
Chikkamath
Age:67 years, Occ: Householder,
R/o: Bhogenagarkoppa, Tq: Kalghatagi,
Dist: Dharwad.

3. Smt. Nirmala W/o Channayya Uppin
Age: 64 years, Occ: Householder,
R/o: Hunsikatti, Tq: Bailhongal,
Dist: Belagavi.
4. Smt. Prema W/o Shankarayya Hiremath
Age: 61 years, Occ: Householder,
R/o: Alnavar, Tq: Alnavar

V/s.

Opponents : 1. Suresh S/o Krishnasharama Betageri (Patil)
(Ori. pltfs) since deceased, by his LR's

1(a) Shrinath S/o Suresh Betageri (Patil)
Age: 43 years, Occ: Private Service,
R/o: Malamaddi Dharwad

2(b) Smt. Sharada W/o Suresh Betageri
Age: 65 years, Occ: Private service,
R/o: Malamaddi Dharwad

1(c) Smt. Madhuri W/o Pranesh Dharwadkar
Age: 44 years, Occ: Householdwork,
R/o: Panaji-Goa.

1(d) Smt. Madhura W/o Sachin Morab
Age: 26 years, Occ: Householdwork
R/o: Malamaddi Dharwad

2. Gangadhar S/o Gurusangayya Hiremath
Age: 50 years, Occ: Agriculture,
R/o: Devarhubbali, Tq: Dharwad

3. Manjunatyya S/o Gurusangayya Hiremath
Age: 41 years, Occ: Agriculture
R/o: Devarhubballi, Tq: Dharwad.

4. N Dineshrao S/o Narasappayya
Age: 54 years, Occ: Advocate
R/o: # 52, Mukabika Naga, 6th main,
Near Joshi Farm Dharwad

1.	Provision under which the application is filed	I.A U/O.1 Rule 10 R/w Sec.151 of CPC
2.	Relief sought for	Prayer to implead applicants as proposed defendants nos. 4 to 7 to the present suit.
3.	The date on which the application is filed	04-07-2023
4.	Number of the application	
5.	The date on which the objection filed by different opponents	02-12-2023
6.	The date on which the orders were passed on the said application	23-07-2025

ORDER ON I.A.NO.18

The present application is filed by the applicants U/O 1 Rule 10 R/w Sec.151 of CPC with prayer to implead them as proposed defendants nos. 4 to 7 to the present suit.

2. In the Affidavit Annexed with No.18, it is stated that the applicant nos.2, 3 and 4 and also herself are own sisters, whereas OS No. 303/2013 filed before Hon'ble IV Additional Senior Civil Judge Darwad was decreed on 08.06.2017 and granted the 1/18th share to the each. They came to know about present suit recently for relief of specific performance on agreement executed by defendants nos. 1 and 2, who are the her brothers, with related to 4 acres 31 gunta 8 Anas, of Block No. 19. Thus it is claimed by applicants that the Suit property being the ancestral and joint family property and they have got equal share. As such they sought themselves to be impleaded as parties in the present suit. If application is not allowed then they will put a great hardship. Hence pray to allow the application.

3. It is to be noted that the plaintiff has filed the objection to the Act No.18. In the objection, plaintiffs

contended that the false application is filed and the plaintiffs does not know about allotting the 1/18th share in favour of applicants in OS No.303/2013 and the present plaintiff is not party to the said suit. The applicants are not necessary party to the present application. Hence pray to reject the application.

4. Heard the learned counsel for proposed defendants and learned counsel for plaintiff and perused the material on records.

5. The following point that would arise for consideration by this Court:

1. Whether the proposed defendant No.4 to 7 have made out grounds to implead them as party to the suit as claimed under IA No.18?

2. What order?

6. My findings on above points are as under :

Point No.1 : In the Affirmative

Point No.2 : As per final order

for the following....,

REASONS

7. Point No.1: It is to be noted that the present suit is filed for relief of specific performance of contract for directing defendants nos.1 and 2 to execute the sale deed in favour of plaintiff and also another relief of declaration to declare the sale deed dated 25.01.2012 executed in favour of defendant No.3 by defendant Nos.1 and 2 is not binding on the rights of plaintiff and also sought a declaration to declare the sale deed dated 11.07.2007 with respect to 'C' property is also not binding on the rights of plaintiff.

8. The present application no.18 is filed by the applicants who are sisters of defendant no.1 and 2, with prayer to implead them as parties to the present suit, on the ground that they have not executed any agreement of sale in favour of plaintiff. The present application is objected by the plaintiff only on the ground that the present plaintiff is not party to the OS No. 303/2013 and sale deed executed in favour of defendant No. 3 is a created document. The suit filed by them bearing OS No. 303/2013 has been decreed by allotting the 1/18th share each as per judgment dated 08.06.2017. It is relevant to

note that the plaintiff has come up with present suit on the ground that the defendants no.1 and 2 have executed the agreement of sale in his favour on 21.06.2007 by receiving the advance amount of Rs.1,90,000/- out of Rs.2,00,000/- sale consideration amount. Admittedly, the relationship of defendant no.1 and defendant no. 2 with these defendants/applicants is not in dispute being they are sisters of the defendant no.1 and 2. Therefore, the rights of these applicants have been adjudicated in the OS No.303/2013. Thus, these applicants are also necessary parties to adjudicate the rights over suit schedule property. If application is not allowed, certainly more loss or hardship would cause to these applicants. Therefore the applicants have made out grounds to allow the present application. Hence, **point no. 1 is answered in the affirmative.**

9. Point No.2: For the forgoing reasons, discussion and finding on point no.1, this Court proceeds to pass following order.

ORDER

The application filed by proposed defendants U/O 1 Rule 10 R/w 150 of CPC is hereby allowed and these proposed

defendants no.4 to 7 are arrayed as
defendants no.4 to 7.

For amending the cause title and furnishing
the amended cause title and written statement of
defendant No. 4 to 7.

(Dictated to the stenographer transcribed and computerized by
her, then script corrected and signed by me and pronounced in the open
court dated this 23rd day of July 2025).

(Avinash M. Ghali)
Prl., Civil Judge & JMFC.,
Dharwad.