

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, HUBBALLI**

Present:

Sri. Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

O.S. No. 226/2023

Dated this the 08th day of April - 2026

Plaintiff : Umeshgouda S/o Shivanagouda Pujar.

.Vs.

Defendants : Smt. Renuka W/o Mohan Iti and others.

PARTIES TO IA

Applicants : Vandana S/o Monappa @ Mohan Iti and
another

.Vs.

Opponents : Umeshgouda S/o Shivanagouda Pujar.

ORDER ON IA U/O. I RULE 10(2) R/W SEC. 151 OF C.P.C.

The I.A. filed by the proposed defendant No.3 and 4 U/O. I Rule 10(2) of C.P.C. with a prayer to implead them as proposed defendant No.3 and 4 in the case in the ends of justice and equity.

2. In support of the application the proposed defendant No.3 has filed affidavit stating that, the proposed defendant No.3 and 4 are the sons of Sri. Monappa @ Mohan Iti. According to plaintiff the deceased Monappa executed agreement of Sale Deed in favour of plaintiff. The

suit property is the ancestral property and they are having rights over the suit property. Therefore, prays to allow the application.

3. The plaintiff has not filed objection to the application.

4. I have heard on I.A. and perused the records.
The following points arise for my consideration:

1. Whether the proposed defendant No.3 and 4 have made out grounds to allow their application filed U/O I Rule 10(2) of C.P.C.?

2. What order?

5. My answer to the above points 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 plaintiff has filed this suit against the defendants for the relief of specific performance of contract in respect of agreement of sale executed by defendant on 08.01.2016. According to plaintiff deceased Monappa has executed Sale Deed in favour of plaintiff, the suit has been decreed. Thereafter, the defendants have filed Misc. No. 37/2024 and after hearing from both side, in Misc. No. 37/2024 registered the original suit. The plaintiffs

have not filed objection to the application and disputed the relationship with deceased Monappa. When the suit property is the ancestral property of defendants, the proposed defendant No.3 and 4 are having rights over the suit property. They are necessary parties in the proceedings and their presence is required to decide the rights of the parties involved in this case. Hence, I answer point No.1 in the **Affirmative**.

7. **Point No.2:** In view of my answer to point No.1 as stated above, I proceed to pass the following;

ORDER

The I.A. filed by applicant/proposed defendant No. 3 and 4 U/O. I Rule 10(2) of C.P.C. is hereby allowed.

The plaintiff is hereby directed to implead proposed defendant No. 3 and 4 as defendants and submit the amended plaint.

Call on 08.06.2026.

(Dictated to the Stenographer, transcribed and computerized by her, script corrected directly on computer and then pronounced by me in the Open Court on this the **08th day of April - 2026**)

Sd/-
(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge, Hubballi.