

IN THE COURT OF PRL.CIVIL JUDGE & JMFC AT
CHANNARAYAPATTANA

Dated this the 25th day of March, 2026

Present: SMT. KUSUMA.V. B.A.L, LL.B.,
Prl. Civil Judge & JMFC
Channarayapattana.

O.S.No.211/ 2014

Plaintiff : Kalegowda

V/s.

Defendants : Jayamma

PARTIES IN IA NO.14

Applicant : Maria Megha.A

V/s.

Opponents: Kalegowda

ORDERS ON I.A No.14 FILED UNDER ORDER 1 RULE

10 OF C.P.C

Sri. M.G.S., Advocate filed vakalath for propped defendant No.2 along with I.A.No.14 under Order 1 Rule 10 CPC praying to permit the proposed defendant No.2 to implead as defendant No.2 in the suit in the interest of justice.

2.In the accompanying affidavit the applicant/proposed defendant No.2 stated that the

defendant Jayamma is her mother. The plaintiff has filed the suit against the defendant for the relief of specific performance of contract in respect of suit schedule property. Further she stated that the defendant is not absolute owner and has any title over the suit schedule property. The plaintiff with an intention to grab the suit schedule property had filed this suit by not including all the necessary parties. Hence prays to allow the application.

3. On the other hand the plaintiff has filed objections to the said application and stated that the defendant has executed sale agreement in favor of the plaintiff on 26.04.2012 in respect of the suit schedule property. Further he stated that the proposed defendant No.2 colluded with defendant has filed this application. At present the proposed defendant No.2 is not essential to impaled as one of the defendant in this case. There is no locus stand to the proposed defendant No.2 in this case. With an intention to harass the plaintiff the applicant has filed this application. Hence prays to reject the application.

4. Heard both sides and perused the pleadings and materials placed on record.

5. The point that arises for consideration is as follows:-

1. Whether the applicant/proposed defendant No.2 has made out sufficient grounds to allow the application ?

2. What order?

6. The answers to the above points are as here under:-

Point No. 1 :- **In the Negative**

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

:: REASONS ::

7. The suit is filed by the plaintiff against the defendant for relief of specific performance of contract in respect of the suit schedule property. Present application has been filed by the *applicant/proposed* defendant No.2 permit her to implead as 2nd defendant in this suit. On perusal of the file it appears that the defendant had executed agreement of sale dated 26.04.2012 in respect of the suit schedule property, in favor of plaintiff.

8. In the plaint the plaintiff had taken contention that the defendant is absolute owner in possession of the suit schedule property. She has executed agreement of sale in favor of plaintiff on 26.04.2012. On the basis of said agreement of sale the plaintiff has filed this suit against the defendant.

9.The main contention of the proposed defendant No.2 is that the defendant is her mother and she is not having absolute right over the suit schedule property. On perusal of the file now the case is posted for arguments by defendant side at this stage the propose defendant No.2 had filed this application. It is well settled principle that in a suit for specific performance, necessary parties are only the parties to the contract in this case the defendant has executed on agreement so sell the suit schedule property in favor the plaintiff and the plaintiff to enforce the agreement has filed a suit for specific performance.

10.Now the trial is concluded and when the matter was set down for defendants arguments, this impleading is application is filed. Even if the property which is the subject matter of the agreement of sell is the ancestral properties, non alienating members of a joint family have no locus to contest the suit for specific performance. They are not necessary party and there presence is not at all required for effective and complete adjudication of the suit agreement, which is the subject matter of the suit for specific performance. There fore in this case also the proposed defendant No.2 is not the necessary party to the suit. Further the suit is filed by the plaintiff in the year

2014 after lapse of nearly 12 years the proposed defendant No.2 had not filed any application for impleading as one of the defendant. There fore the applicant is not necessary party to the suit and she has not made out grounds to allow the application. Hence this court answered **point No.1 in the Negative.**

10. Point No.2: In the light of forgoing discussion, this court proceeds to pass the following:

ORDER

I.A.No.14 filed by the applicant/proposed defendant No.2 under Order 1 Rule 10 of CPC is hereby rejected.

(Dictated to the Stenographer, transcribed by him, corrected, initialed and then pronounced by me in open Court on this the 25th day of March 2026)

(Smt. Kusuma V)
Prl. Civil Judge, JMFC.,
Channarayapattana.

(Order Pronounced in open court,
Vide separate Order)

ORDER

*I.A.No.14 filed by the
applicant/proposed defendant No.2
under Order 1 Rule 10 of CPC is
hereby rejected.*

For arguments by defendant finally

Call on 06-04-2025.

*(Smt. Kusuma V)
Prl. C.J. & JMFC,
Channarayapatna.*