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OS. No. 194/2021

IN THE COURT OF C/C I ADDL CIVIL JUDGE AND JMFC.,

SAKALESH PURA.

:-Present:-

SRI LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

C/c I Addl. Civil Judge & JMFC., Sakaleshpura.

Dated : 27th Day of November, 2025

O.S. NO. 194/2021

Plaintiffs : Sri. K. Mohaddin Kungni and others

V/s

Defendants : Sri. K. Ibrahim and others

I.A.No.III

Applicants : Sri. K. Mohaddin Kungni and others

V/s

Opponents : Sri. K. Ibrahim and others

ORDERS ON APPLICATION FILED BY THE PLAINTIFFS
UNDER ORDER I RULE 10 OF CPC.

The present application is filed when the matter is posted for plaintiff evidence. The plaintiffs have filed the



present application to implead proposed defendant No.5 and 6 mentioned in the application in the suit as defendant No.5 and 6.

2. In the affidavit annexed along with the application, plaintiff No.1 has contended that, they have filed the present suit for the relief of partition and separate possession. That on 11.04.2012 defendant No.1 has sold the suit schedule property in favour of proposed defendant No.5. Thereafter proposed defendant No.5 has executed a registered partition deed 06.01.2020 in favour of defendant No.6. The suit schedule properties is the ancestral property of the plaintiff. Hence, the proposed defendants are necessary party in order to adjudicate the real question in issue in the suit. As such prayed to allowed the application.

3. Upon the service of notice, proposed defendants have appear before the court and fined the objections. It is their contention that by virtue of the sale deed in respect of Sy



No.88, measuring 4 acres 10 guntas of Hiridanahalli village, they are in possession of the same. The said property is not the ancestral property of plaintiffs and defendant No.1 to 4 but it is the self acquired property of defendant No.1. As such the proposed defendants are not necessary parties. The said property is not the subject matter of the property. As such the proposed application is not maintainable. Accordingly, prayed to dismiss the application.

4. Heard arguments.

5. In light of the above contentions, the infra points that would arise for my consideration.

1. Whether the proposed defendants are proper and necessary parties for full and effectual adjudication of the matter involved in this suit?

2. What order?

6. My findings on the 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::** The plaintiffs have filed the present suit for the relief of partition and separate possession in respect of the suit schedule properties. The plaintiffs have contented that defendant No.1 has sold the ancestral properties in favour of proposed defendant No.5 and he has executed partition deed in favour of defendant No.6. On the other hand, the proposed defendants have contented that proposed defendant No.5 has purchased Sy No 88, measuring 4 acres 10 gunts of Hiridanahalli village, through a registered sale deed dated 11.04.2012 and he has executed partition deed in favour of his son and he is in possession of the same. This suit is for the partition and separate possession. Hence, their rights are also involved in so far as the said property is concerned. Hence, this Court is of the opinion that, in order to



determine the real crux of the issue, the proposed defendants are necessary parties. As such, this court is inclined to allow the application. Hence, point No.1 is answered in the *Affirmative*.

8. **Point No.2::** For the above discussed reasons, this court proceeds to pass the following:

::ORDER::

Application No.III filed by the plaintiffs under order I Rule 10 of C.P.C., is hereby allowed.

The proposed defendants are brought on record as defendant No.5 and 6.

Plaintiffs are directed to amend the cause title and file amended plaint.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 27th day of November, 2025]

[Lakshmi Narasimha R.V,]
C/c I Addl. Civil Judge and JMFC,
Sakaleshpura.