



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,  
CHINCHOLI**

**DATED THIS THE 12<sup>TH</sup> DAY OF FEBRUARY-2026.**

**:-PRESENT:-**

**Anil Shekhanavar., B.Com., L.L.B.**  
**SENIOR CIVIL JUDGE & J.M.F.C**  
**CHINCHOLI.**

**E.P. No. 9/2022**

DECREE  
HOLDERS:

Sayinath S/o Ramayya, Age: 55  
Years, Occ: Agriculture, R/o H.  
No. 3/17 Raakal Village, Tq.  
Chincholi, Dist: Kalaburagi.

(By Sri. B.S. Advocate)  
-VS-

JUDGMENT  
DEBTORS:

1. Babayya S/o Tippayya Goud,  
Age: 36 Years, Occ:  
Agriculture R/o H. No. 3/17  
Hodebeernalli Village, Tq.  
Chincholi, Dist: Kalaburagi.

2. Smt. Bhagamma W/o  
Madeppa, Age: 40 Years,  
Occ: Agriculture, R/o  
Hodebeernalli, Tq. Chincholi,  
Dist: Kalaburagi.

(Jdr-1 By Absent)  
(Jdr-2 By Sri. V.S.D Advocate)  
(Prop.Jdr-3, 4 By Sri. V.R.R. Advocate)

**RANK OF THE PARTIES ON I.A No. VIII**

Proposed third Applicants/

: Bujjamma @ Rohini  
and another

-vs-

Opponent/DHrs

: Sayinath

|      |                                                                       |                      |
|------|-----------------------------------------------------------------------|----------------------|
| i.   | Provision under which the application is filed                        | U/O I Rule 10 of CPC |
| ii.  | Relief sought for                                                     | For impleading       |
| iii. | The date on which the application is filed                            | 07-02-2026           |
| iv.  | Number of the application                                             | I.A. No. VIII        |
| v.   | The date on which the objections are filed by the different opponents | 07-02-2026           |
| vi.  | The date on which the orders were passed on the said application      | 12-02-2026           |

**ORDERS ON I.A.NO-VIII FILED U/O 1 RULE 10  
R/w Section 151 OF C.P.C.**

1. The proposed third party applicants by name Bujjamma @ Rohini W/o Late Shantayya Guttedar (D/o Late Tippayya) age: 32 years and Sangamma W/o Late Naayya (D/o Late Tippayya) Age: 30 years have filed I.A.No-VIII U/O 1 Rule 10 R/w Section 151 of



C.P.C. sought for implead them as Judgment debtor No. 3 and 4 in the execution petition.

2. One of the third applicant Bujjamma has sworn to an affidavit in support of the application. It is specifically stated that, the proposed applicants are the daughters of Late Tippayya and real sisters of Babayya and daughters of the Mallamma, the said Babayya has sold the suit properties of land bearing Sy. No. 188/\*/2 measuring 02 acres 35 guntas and Sy. No. 150/5 measuring 03 acres 00 guntas, both situated Hodebeeranalli Village. The suit properties are ancestral properties and sold out behind the back of the proposed applicants. Hence, they are necessary parties to the petition and prays to implead them as necessary parties. If the petition is allowed there is no loss or prejudice will be caused to other side, if not allowed the proposed applicants will be get heavy and irreparable loss, it cannot be compensated in terms of money.
3. The decree holder counsel filed objection to IA, wherein he specifically stated that initially he has filed the suit for specific performance of contract against the



judgment debtor No. 1. The said suit already decreed in O.S. No. 18/2020. After passing the decree of the suit, the Dhr., has filed the present petition. The proposed applicants are no way concerned to the judgment and decree passed in O.S. No. 18/2020. Hence, he prays to reject the I.A.

4. Heard the both sides arguments and perused the materials on record, the following points arise for consideration of this court are:-

**POINTS**

1. Whether third party applicants have made-out reasonable grounds to allow the I.A.?
2. What order?

5. My findings to the above said points are as follows:

Point No.1: In the Negative

Point No.2: As per final order

**R E A S O N S**

6. **POINT NO.1:-** The present execution petition filed the Dhr., for execution of decree passed in O.S. No. 18/2020 dated, 21-08-2021 against the Jdrs. The third party



applicants filed the present I.A. seeking to implead them as necessary party on the ground that the suit schedule property is the ancestral property. In support of their application, they filed memo with certified copy of Order Sheet, I.A's copies pertaining to the O.S. No. 16/2026. After perusal of the certified copy of O.S. No. 16/2026, the proposed third party applicants filed the suit O.S. No. 16/2026 against the defendants including Dhr., seeking for the relief of partition. However, the proposed third party applicants are not parties in O.S. No. 18/2020, which has been filed by the Dhr., against the Jdr No. 1. Therefore, decree passed in O.S. No. 18/2020 is not against the third party applicants. Therefore, the third party applicants are not a necessary parties to the present execution petition. If the third party applicants claims their independent right, title or interest over the suit schedule properties, they ought to have file a separate suit against the Dhr., and claim their relief in that suit only. In the present execution petition this Court cannot travel beyond the decree. Therefore, the opinion of this Court is that the proposed third party applicants are not necessary parties in the present



execution petition. Accordingly, this court has answered point No.1 in the Negative.

7. **Point No.2:-** For the aforesaid discussion on point No.1, this court proceeds to pass the following:-

**ORDER**

The I.A.No.VIII filed U/o 1 Rule 10  
R/w Section 151 of CPC by the proposed  
third party applicants are hereby rejected.

(Dictated to Stenographer directly On-line in the computer typed by him, corrected by me and then pronounced it in open court this the 12<sup>th</sup> day of February-2026).

**(ANIL SHEKHANAVAR)**  
**Senior Civil Judge & JMFC**  
**Chincholi**