



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

DATED THIS THE 27TH DAY OF FEBRUARY-2026.

:-PRESENT:-

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

E.P. No. 26/2024

DECREE
HOLDERS:

1. Goribee W/o Manjile Patel,
Age: 70 Years, Occ:
Agriculture, R/o Marpalli, Tq.
Chincholi, Dist: Kalaburagi &
another.

(By Sri. S.G.J. Advocate)

-VS-

JUDGMENT
DEBTORS:

1. Shukur Patel S/o Maheboob
Patel, Age: 60 Years, Occ:
Business, R/o Sk
Shamshoddin Patel, Sri.
Ram Nagar Yusuf Guda
Hyderabad & Others

**RANK OF THE PARTIES ON I.A**

Proposed third Applicants/

: Hussain Patel S/o
Late Mastan Patel
(Prop.applicant By Sri.B.S., Advocate)

-vs-

Opponent/DHrs

: Goribee & another

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	17-11-2025
iv.	Number of the application	I.A. No. II
v.	The date on which the objections are filed by the different opponents	19-02-2026
vi.	The date on which the orders were passed on the said application	27-03-2026

ORDERS ON I.A.NO-II FILED U/O 1 RULE 10 (2) OF C.P.C.

1. The proposed third party applicant by name Hussain Patel S/o Late Mastan Patel, Age: 78 Years, occ: Agriculture, R/o Marpalli, Tq. Chincholi, Dist: Kalaburagi has filed I.A.No-II U/O 1 Rule 10(2) of C.P.C. sought for implead him as Judgment debtor No. 5 in the execution petition.



2. The third applicant has sworn to an affidavit in support of the application. It is specifically stated that, the proposed applicant is owner and possessor of land Sy. No. 15 measuring 22 acres 04 guntas. So the proposed applicant filed the case against the Dhr., and other JDrs., in O.S. No. 40/2016 suit for declaration and injunction and the said suit was decreed in favor of the proposed applicant. One Ameen Patel S/o Mahiboob Patel and others have preferred the appeal against the judgment and decree in O.S. No. 40/2016 before Hon'ble High Court of Karnataka, Kalaburagi Bench, in RFA No. 200008/2024. The said appeal is pending for consideration. Hence, he is necessary party to the present case. Hence, he prays to allow the I.A.

3. The decree holder counsel filed objection to IA, wherein he admitted that, the proposed respondent No. 5 filed O.S. No. 40/2016 which came to be decreed and also admitted that, the defendant have preferred appeal in RFA No. 200008/2024 before the Hon'ble High Court of Karnataka, Kalaburagi Bench. The said appeal is pending for consideration and he denied the other averments of the affidavit sworn by the third party



applicant. Wherein the counsel for the Dhr., specifically stated that the Sy.No. 15 is not a subject matter to execute the decree. The proposed applicant is not a necessary party. 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 applicant has 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 for the following:

REASONS

6. **POINT NO.1**:- The present execution petition filed the Dhrrs., for execution of decree passed in O.S. No. 22/2007 dated, 14-02-2024 and FDP No. 3/2016 on



dated 29-09-2016 against the Jdrs., with to delivery of possession of suit lands. The third party applicant filed the present I.A. seeking to implead him as necessary party on the ground that he is the owner and possessor of land Sy.No. 15 measuring 22 acres 04 guntas. On the other hand, the Dhers., counsel filed objection stated that the said land Sy. No. 15 is not a subject matter of present execution petition. After perusal of the certified copy of final decree proceedings in respect of FDP No. 3/2016 dated, 29-09-2016 (O.S. No. 22/2007 dated 14-02-2024), it clearly reveals that, the proposed applicant purporting to be the owner of the Sy. No. 15 measuring 22 acres 04 guntas situated at village Marpalli is not a subject matter to execute the present execution petition. Therefore, the decree passed in O.S. No. 22/2007 in FDP No. 3/2016 is not against the third party applicant and also the land Sy. No. 15 measuring 22 acres 04 guntas is not a subject matter in O.S. No. 22/2007 in FDP No. 3/2016. Therefore, the third party applicant is not a necessary party to the present execution petition. In the present execution petition this Court cannot travel beyond the decree. Therefore, the opinion of this Court



is that the proposed third party applicant is not necessary party 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.II filed U/o 1 Rule 10(2) of CPC by the proposed third party applicant is 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 27th day of March-2026).

(ANIL SHEKHANAVAR)
Senior Civil Judge & JMFC
Chincholi