



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
JMFC, VIRAJPET.**

**PRESENT : Sri. PRADIP POTADAR, B.COM. L.L.B.,
Prl. Civil Judge & JMFC.,
Original Suit No.60/2013.**

Dated this the 09th day of April 2026.

- PLAINTIFFS:**
1. Smt. Kayarthodi A. Padmavathi,
D/o: Kayarthodi Appaiah,
Age: 55 years,
R/o 9/3 B-5,
Gowrishankarnagar,
Ooty Road, Mysore.
 2. Smt. Kayarthodi A. Jayalakshmi,
D/o: Kayarthodi Appaiah,
W/o Sri. Devaiah,
Age: 51 years,
R/o: Chettalli,
Somwarpet Taluk,
Kodagu District.

(By Sri .T. P. Krishna, Advocate)

-Vs-

- DEFENDANTS:**
1. Sri. K. A. Ganapathy,
S/o: K. Appaiah,
Major in age.
 2. Sri. K. A. Kalappa,
S/o: Appaiah,
Major in age.
 3. Sri. K. A. Madappa,
S/o: Appaiah,



Major in age.
Since deceased represented by his
LRS.

D3(a) Smt. Savithri,
W/o late K. A. Madappa,
Age: 52 years,

D3(b) Smt. Bhuvaneshwari,
D/o late K. A. Madappa,
Age: 27 years,
Both residence of
Kalathmadu Village,
Ammathi Nad,
Virajpet Taluk.

4. Sri. K. A. Nanaiah,
S/o: Appaiah,
Major in age.

5. Sri. K. A. Poonacha,
S/o: Appaiah,
Major in age.

6. Sri. K. A. Renu,
S/o: Appaiah,
Major in age.

All are residents of
Kalathmadu Village,
Ammathi Nad, Virajpet Taluk,
Kodagu District.

7. Smt. Poovi (Kumari),
C/o: Charmaprakash (Ramesh),



Uddath Village, Mekerri Post,
Madikeri Taluk,
Kodagu District.

8. Smt. Yeshodha K. A,
C/o: Umashankar,
#1013, 9th Cross, EGF Block,
Ramakrishna Nagar, Mysore-22.
9. Sri. K. A. Manu Kumar (Sabu),
Deceased represented by his legal
heirs,
 - 9(a). Smt. Rekha,
W/o late Manu Kumar,
Age: 55 years,
 - 9(b). Miss. Pavithra,
D/o late Manu Kumar,
Age: 23 years,
 - 9(c). Miss. Savitha,
D/o late Manu Kumar,
Age: 21 years,
 - 9(d). Miss. Sunitha,
D/o late Manu Kumar,
Age: 19 years,

All are residents of
Aluvally Village, Bage Post,
Sakaleshpura Taluk,
Hassan District,
Karnataka-573214.



10. Sri Kayarthodi Ramesh,
Major.
11. Sri Kayarthodi Venkatesh,
Major.
12. Sri Kayarthodi Harish,
Major.
All sons of Thimmaiah,
R/o: Kalathmadu Village and
Post,
Virajpet Taluk, Kodagu District.

**(Defendants No.1, 2, 4 to 6, 10 to 12 By Sri.
I. R. Pramod Advocate
Defendants No.3(a)&(3(b) by Sri. S. R.
Jagadish, Advocate
Defendants No. 7 and 8 – Exparte
Defendants No.13, 14, 21 & 22 Absent
Defendants No.9(a) to 9(d) by Sri. A. R.
Ranjan, Advocate)**

PARITIES TO I.A.

**PLAINTIFFS/
APPLICANTS** : Smt. Kayarthodi A. Padmavathi
and another

-V/s.-

**PROPOSED DEFENDANTS/
OPPONENTS** 1. Smt. Harinakshi,
W/o: Gappu,
Age: 55 years,

2. Smt. Jaya Kumari,
W/o: Vasantha,
Age: 50 years,

1 and 2 are children of



Late Thimmaiah,
R/o: Kalthmadu Village and
Post, Virajpet Taluk,
Kodagu District.

3. Sri. Udaya Kumar,
S/o: late Puttappa,
Age: 65 years,
Retired engineer.
4. Sri. Balakrishna,
S/o: late Puttappa,
Age: 59 years,
5. Sri. Parameshwara,
S/o: late Puttappa,
Age: 49 years,
Advocate.
6. Smt. Mohana Kumari
Thoundera,
D/o: late Puttappa,
W/o: Kenchappa,
7. Smt. Pushpavathy,
D/o: late Puttappa,
W/o: Ganesh,

As per application
No.6 to 10 are residents of
Eshwara Nilaya,
Nanjarayapatna,
Via Kushalnagar,
Kushalnagar Taluk,
Kodagu District.



8. Smt. Leelavathy,
D/o: late Puttappa,
W/o: late Sumantha,
Age: 66 years,
Badaga Village, Virajpet Taluk,
Kodagu District.
9. Sri. Ajith Kumar,
S/o late Nanjunda,
Age: 30 years,
10. Sri. Harish,
S/o late Nanjunda,
Age: 28 years,
11. Sri. Uttappa,
S/o late Ganapathy,
Age: 52 years,
12. Sri. Udaya Kumar @ Huddu,
S/o late Ganapathy,
Age: 42 years,
13. Sri. Janardhana,
S/o late Ganapathy,
Age: 57 years,

As per application
Form 12 to 16
Residence of Kalathmad Village and
Post, Kayrthodi family,
Ponnampet Taluk, Kodagu District.

Provision under which the application is filed	Order on application U/order I Rule 10 read with section 151 of
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Civil Procedure Code.

Relief sought for

To seeking permission to implead proposed defendants.

Date on which application are filed

25.06.2025.

Date on which objection is filed by the opponent

-Nil-

Date on which the order is passed

09.04.2026

**ORDER ON I.A. FILED BY THE PLAINTIFFS UNDER
ORDER I RULE 10 READ WITH SECTION 151 OF
CIVIL PROCEDURE CODE.**

The present application is filed by the plaintiffs to implead proposed defendants in this case as they are necessary parties to the suit.

2. In the affidavit annexed to the application it is stated that the plaintiffs have filed this suit against the defendants for the relief of partition. It came to the knowledge of the plaintiffs is that names of the proposed defendants are entered in the RTC extract.



Hence, the proposed defendants are necessary parties to this suit for proper adjudication of the matter in controversy. **On these grounds the plaintiffs pray to allow the application.**

3. In this case notice on I.A. was issued to the proposed defendants was duly served. However, inspite of service of notice, the proposed defendants were remained absent and not engaged any advocate in their favour.

4. Heard on application for plaintiffs and perused material available on record.

5. On perusal, following points are arise for my consideration:-

POINTS

1. Whether the plaintiffs have made out grounds to allow the I.A. filed under Order I Rule 10 read with section 151 of Civil Procedure Code?



2. What Order?

6. My answers to the aforementioned points are as under :

Point no.1 : In the NEGATIVE.

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

REASONS

7. **POINT NO.1:-** I have gone through the entire material available on record. When this suit was posted for arguments on merits, the plaintiffs have filed the present application for impleadment of proposed defendants in this suit as necessary parties.

8. I have gone through the entire material available on record. The present suit is filed by the plaintiffs for the relief of partition and separate possession. There are total seven properties are involved as suit schedule properties in this suit. Whereas, in the affidavit annexed to the application the plaintiffs have stated



that the name of the proposed defendants are appeared in RTC extract and therefore, they are necessary parties to the suit for proper adjudication of the suit. Such being the case, belonging to which suit schedule property RTC extract name of the proposed defendants are mentioned it has not been properly explained by the plaintiffs. Apart from that the plaintiffs did not explain how the proposed defendants are related to this suit schedule properties. Everything is silent about these facts.

9. On going through the affidavit annexed to application the plaintiffs have not mentioned proper reasons to why the proposed defendants wants to implead in this suit. Mere appearing names of proposed defendants in the RTC extracts, they cannot become a necessary party to the suit for proper adjudication of the matter in controversy. The



application is meritless and deserves to be dismissed.

Hence, I answered Point No.1 in the Negative.

10. **POINT No.2**:- In view of the forgoing observations and discussions on Point No.1, I proceed to pass the following :-

ORDER

The application filed by the plaintiffs under Order I Rule 10 read with section 151 of Civil Procedure Code is hereby dismissed on cost of Rs.200/-.

(Dictated to the stenographer, transcribed and computerized by her, then corrected, signed and pronounced by me in open court on this the 09th day of April 2026.)

Sd/-

**(Pradip Potadar)
Prl. Civil Judge & JMFC.,
Virajpet.**