

**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE AND JMFC,
NAGAMANGALA**

Dated this 6th day of January 2026

Present: SRI. K.P. SIDDAPPAJI. B.A., L.L.B.,

I Addl. Civil Judge and JMFC.,
Nagamangala.

Original Suit No.256/2023

Plaintiffs : Sri Rudresha C.E.

- V/s -

Defendants : Sri Lakshmana and others

RANK OF THE PARTIES ON I.A.No. IV

**Applicant/
Plaintiff**

: Sri Rudresha C.E.

(By Smt. N.S.R. Advocate)

- V/s -

**Opponents/
Defendants**

: Sri Lakshmana and others

**(D-1 by Sri M.E.H. Advocate)
(D-2 and 3 are exparte)**

i	Provision under which application is filed	Order 1 Rule 10(2) R/W/Sec.151 of CPC
ii	Relief which sought for	Impleading proposed defendant
iii	The date on which the application is filed	12-10-2023
iv	Number of the application	IV
v	Date on which the objection is filed	Not filed
vi	Date on which the order is pronounced	06-01-2026

ORDER ON IA No. IV

I.A.No.IV is filed by the Learned Counsel for the Plaintiff under Order 1 Rule 10(2) R/W/Sec.151 of the Code of Civil Procedure for seeking the permission of the court to implead proposed Defendant as Defendant No.5.

2. The plaintiff sworn to an affidavit in support of the application, wherein he has stated that he has filed the above suit against the defendants for partition in respect of the suit schedule properties. During the pendency of the above suit the defendant No.1 colluded the proposed defendant No.5 changed the khata into her name in respect of suit item No.2 and 3. Now only he came to know that the name of the proposed defendant No.5 got changed in RTC. The said reason is not an intentional one. But the above said bonafide reason. The proposed defendant No.5 is also necessary party to the suit, for perfect adjudication in the above suit. **With these averments the Plaintiff has sought for allowing the application.**

3. Even after the proposed defendant No.5 has appeared before the court through her counsel, she has failed to file objection.

4. Heard the Learned Counsels appearing for the parties and perused the materials on record.

5. Now the following points arise for consideration of this Court are.

Point No.1: Whether the Plaintiff has made out grounds for allowing I.A.No.IV filed U/Order 1 Rule 10(2) of CPC for impleading the proposed Defendant as Defendant. No.5 in this suit?

Point No.2. What order?

6. The findings of this Court on the above said 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 plaintiff has filed the present suit for the relief of partition and separate possession in respect of the suit schedule properties. The Learned counsel for plaintiff has submitted that During the pendency of the suit the defendant No.1 colluded the proposed defendant No.5 changed the khata into her name in respect of suit item No.2 and 3. Hence, she is necessary party to the suit for adjudication of the matter perfectly. In light of argument of the counsel for Plaintiff, this court has perused the material on records. After perused the same this court is of the opinion that proposed defendant is proper party to this court to pass effective decree and avoid multiplicity proceedings. 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::

IA.No.IV filed by the plaintiff under order I Rule 10(2) of C.P.C., is hereby allowed.

The plaintiff is permitted to implead the proposed defendant as defendant No.5.

The Plaintiff is directed to amend the cause title and to file amended plaint.

[Dictated to the stenographer through on-line computer, typed by him, corrected and then pronounced by me in the open court on this day of 6th January, 2026]

(KP. SIDDAPPAJI)
I Addl. Civil Judge and JMFC,
Nagamanagala.