

**IN THE COURT OF THE II ADDL. CIVIL JUDGE & JMFC., AT  
PANDAVAPURA**

**DATED ON THIS THE 13<sup>th</sup> DAY OF NOVEMBER 2024**

**:PRESENT:**

**Smt. Padma.M, B.A., L.L.B.,  
II Addl. Civil Judge & JMFC.,  
Pandavapura**

**ORIGINAL SUIT No.351/2023**

**Plaintiffs** : Indramma and Others  
(by Sri.BKP, Adv.,)

**v/s**

**Defendants** : Janardhan and Others  
(by Sri.PSK, Adv.,)

**I.A.No.II**

**Applicant** : Bhagya.Y.R. ----- Plaintiff No.4

**v/s**

**Opponents** : Janardhan a and Others ..... Defendants

**:ORDERS ON I.A.No.II:**

The plaintiff has filed IA No.II under order 1 Rule 10(2) r/w sec.151 of CPC, seeking the proposed defendant No.1 to 4 are necessary parties of this suit.

2. In support of this application, the plaintiff No.4 has filed affidavit and stated that, the plaintiff has filed a suit against the defendants for declaration and injunction over the suit schedule property. The

proposed defendant No.3 to 6 colluded with defendant No.1 and 2 interfered the possession of the suit schedule property from the date of filing of this suit, they continued the interfere of the possession of the suit schedule property, therefore they are necessary parties in this suit. If not allow the I.A., it will be irreparable loss to the plaintiff. Hence, prayed to allow the application.

3. On the other hand, the proposed defendants have filed a objection and stated that this application is not maintainable either in law or on facts. The proposed defendants are not a bajudars of the suit schedule property. The plaintiffs and the proposed defendants are entered into a compromise in respect of assessment No.187/A, East-West : 28 feet and North-South : 46 feet. After the compromise, the plaintiffs and defendants are not filed any civil case. They are compromised between them. But with an intention to harass the proposed defendants, the plaintiff has filed this application for implead the proposed defendants in this case. They are not a necessary parties in this suit. Hence prayed to dismiss the application.

4. Heard the arguments.

5. Now the points that will arises for my consideration are:

- (1) Whether the application filed by the plaintiff No.4 is deserves to be allowed or not?
- (2) What order?

6. My answers to above points are as under:

Point No.1: In the Negative;

Point No.2: As per my final order below  
for the following:

### **REASONS**

**7. Point No.1 :** I have gone through the pleadings, application, objection and documents placed before the court, it is disclosed that the plaintiffs have filed a suit against the defendants for the relief of declaration and injunction and such other reliefs over the suit schedule property. on 18.12.2023 the plaintiff has filed this suit, later On 19.06.2024, the plaintiff has filed this I.A. for implead the proposed defendants. They are the necessary parties. Proposed defendants are also colluded with other defendants and interfere the possession of the suit schedule property, hence they are necessary parties in this suit.

8. On the other hand, the defendants taken contention that they are not a bajudars of the suit schedule property. Earlier of this suit, the plaintiffs and defendants are compromised in respect of assessment No.184/A East-West : 28 feet and North-South : 46 feet. Thereafter both parties are not filed any civil case. Therefore the proposed defendants are not necessary parties, hence prayed to dismiss.

9. Admittedly, this suit is filed in the year of 2023. The plaintiff has submitted in his affidavit that,before filing the suit and since 5 moths , the proposed defendants are interfered the possession of the suit schedule property. In the plaint, the plaintiff alleged that the defendant No.1 and 2 interfered the possession of the suit schedule property dated 15.08.2023. It shows that, cause of action arise on 15.08.2023. Further the plaintiff implead the proposed defendants are interfered the possession from 5 months. If at the time of filing of this suit, the proposed defendants are

interfered the possession of the suit schedule property, The plaintiff has filed suit against said proposed defendant also. Therefore If allowed the I.A It be changed cause of action. Therefore the plaintiffs are not made out a ground to implead the proposed defendants. Hence, **this court answered the point No.1 in the Negative.**

**10. Point No.2:** In the light of the above discussions, I proceed to pass the following:

**ORDER**

**IA No.II filed by the Applicant/plaintiff  
No.4 under Order 1 Rule 10(2) r/w sec.151 of  
CPC is hereby dismissed.**

**No order on cost.**

(Dictated to the Stenographer, transcribed and computerized by her, revised and corrected by me, then pronounced in the open court on 13<sup>th</sup> day of November 2024)

**[PADMA.M.]  
II Addl. Civil Judge & JMFC,  
Pandavapura.**

Orders pronounced in the open court  
(vide separate orders)

**ORDER**

IA No.II filed by the Applicant/plaintiff No.4 under  
Order 1 Rule 10(2) r/w sec.151 of CPC is hereby  
dismissed.

No order on cost.

II ACJ & JMFC,  
Pandavapura.

