

**IN THE COURT OF ADDITIONAL SENIOR CIVIL JUDGE**  
**SRIRANGAPATNA.**

**PRESENT**

**Sri. Krishna Murthy N., B.A., L.L.B.**  
**I Addl. Senior Civil Judge**  
**Srirangapatna**

**Dated: this the 7<sup>th</sup> day of April, 2026.**

**O.S.No.84/2019**

- Plaintiff/s** : 1. **Smt. Mahadevamma**  
S/o Late kuntegowda  
Aged about 67 years,
2. **Sarvamangala**  
D/o Late kuntegowda  
Aged about 37 years,
3. **Sri. Cheluvaraju**  
S/o Late kuntegowda  
Aged about 35 years,
4. **Sri. Keshava K**  
S/o Late kuntegowda  
Aged about 33 years,

All are R/at  
# 6/4, 1<sup>st</sup> main road,  
Arakere Hobli,  
Manchegowdana Koppalu  
Vijaynagara Post,  
Mysore.

**/VS/**

- Defendants/s** : 1. **Sri. Cheluve Gowda**  
S/o Late Bettegowda  
Aged about 70 years,

2. **Smt. Jayamma**  
W/o Cheluvegowda  
Aged about 65 years,  
Both are residing at  
# 29, Aralikatte Road,  
(Katte Hosur)  
Manchegowdanakoppalu  
Vijayanagara Post  
Mysore-570017
3. **Smt. Latha M.C**  
D/o Cheluvegowda  
Aged about 40 years,
4. **Smt. Shwetha M.C**  
D/o Cheluvegowda  
Aged about 37 years,  
defendant No.3 & 4 R/o  
#608/S,  
23<sup>rd</sup> Cross, Hebbalu,  
Devaraja Mohalla,  
Mysore.
5. **Sri. C.Rachan Reddy M.C**  
S/o Chandra Reddy  
Aged about 41 years,  
R/o #65, 4<sup>th</sup> Cross,  
2<sup>nd</sup> main, J.P.Nagara  
4<sup>th</sup> phase, Bengaluru.

**ORDER ON IA NO.VIII**

**Applicant : Sri. Nagaraju**

**-Vs-**

**Opponent : Smt. Mahadevamma and others**

**APPLICATION U/O 1 RULE 10 OF C.P.C**

The present application under order 1 rule 10 of C.P.C has been filed by the applicant to be implead himself as proposed plaintiff No.5 in the suit.

**2.** In the affidavit accompanying application Sri.Nagaraju S/o Ugregowda sworn to the effect that plaintiffs have filed this suit for partition and separate possession over the suit schedule properties. The property in Sy.No.60/1 measuring 1 acre 14 guntas i.e., item No.1 of the suit property standing in the joint name of his mother Savithramma W/o Ugregowda and his uncle Ramegowda, Chaluvegowda and Vairamudigowda. The plaintiffs have no manner of right over the same. The aforesaid property has been acquired by his father Ugregowda from through family partition and after his death, katha of the same mutated in name of Savithramma and Uncle's jointly. But, plaintiffs colluding with defendant No.1 to 4 kept silent from bringing him on record only with intention to defeat his right of share over the same. Further it is stated that if this application is not allowed, he will be put to irreparable loss defeating his right of share. Therefore, he is ready to pay requisite court fee to allot his 1/5th legitimate share in the suit property. Hence, this application.

**3.** On the other hand, the defendant No.1 to 4 filed detailed objection statement wherein it is stated that

application is liable to be dismissed as is not maintainable either in law or on facts contending that between the family members of joint family there held a partition through Panchayath Parikath on 21.07.1999 and 19.07.2007 and the same came to be acted upon the parties which fact not only within the knowledge of plaintiffs but also impleading applicant. It is further stated that intentionally and purposefully plaintiffs have not included the impleading applicant at the earliest point of time. In order to protracting the proceedings, this application has been filed after laps of more than 5 years.

**4.** Further, it is stated that members of the plaintiffs family filed suit in OS.No.746/2004 before the II Additional Senior Civil Judge, Mysore which came to be dismissed after contest and the same reached its finality. Another suit OS.No.1536/2011 on the file of V Additional Junior Civil Judge, Mysore, seeking partition in respect of another property also came to be decreed. Likewise, the 1<sup>st</sup> defendant has filed suit in OS.No.398/2008 for declaration in respect of other property against plaintiffs herein and other defendants including present applicant which came to be decreed against which appeal preferred in RA.No.21/2016 before IV Additional District Judge, Mysore came to be dismissed. It is stated that Sy.No.60/A measuring 4 acres 2 guntas situated in Hosahalli Village, Belagola Hobli, Srirangapatna Taluk Mandy District has been granted to Ramegowda, Vairamudigowda, Savithamma and Chaluvegowda by the land tribunal Srirangapatna in

the year 1981. Pursuant to such grant, respective names came to be entered. After conduct podi, revenue entries have been made jointly instead of individual names at the concerned column of RTC. By taking advantage of the said situation, the present impleading applicant had filed this application. The impleading applicant neither proper nor necessary party to the proceeding. Hence, per-contra alleging other allegations prays to dismiss the application.

5. Heard both counsel and perused the records.

6. following points that would arise for my consideration as follows:

1. Whether applicant proves that he is the necessary or proper party to the proceedings for adjudication of the matter effectively ?

2. What order

7. My answer to the above points are as follows

**Points No.1 : In the Affirmative**

**Points No.2 : As per the final order for the following;**

### **REASONS**

8. The present plaintiffs have filed the suit against the defendants seeking partition and separate possession over the suit schedule properties.

**9.** In the affidavit, applicant stated that his father Ugregowda and mother Savithramma had 4 children namely Ramehs, Padmamma, Manjula and himself. That the Sy.No.60/1 measuring 1 acre 14 guntas i.e. item No.1 of the suit property belongings to joint family consisting Ugregowda (Father) uncles Ramegowda, Chaluvegowda and Vairamudigowda. Subsequent death of Ugregowda, katha of the same got mutated in the joint names of Savithramma (mother) with uncles, therefore he is entitled for partition of his 1/5 share over the property.

**10.** According to plaintiffs, propositors Bettegowda had 3 sons namely Ugregowda, Kuntegowda and Ramegowda. The 2<sup>nd</sup> son of Kuntegowda is the husband and father of plaintiffs, 1<sup>st</sup> defendant is one of the son of Bettegowda who was katha of the family. According to them, suit schedule properties are the joint family properties of plaintiffs and defendant No.1 to 4. The impleading applicant has produced Genealogical tree, RTC extracts pertaining to item No.1. That the katha of the item No.1 appears to have been stand in the joint names of Ramegowda, Chaluvegowda and Vairamudigowda and mother of applicant even for the year 2023-24.

**11.** The key test is whether the present seeking impleadments is party whose presence is necessary for effective and complete adjudication of the partition suit and bind all interest holders in the final decree. The applicant

must show that he is necessary and proper party whose presence is required to affective adjudication. If the applicant has a direct right or interest that would be affected by final partition the court may allow his impleadments as a party. It is pertinent to note here itself that plaintiffs and defendants 1 to 4 are the family members of Bettegowda, who is the kartha of the family. That the fact of the applicant being the sons of Ugregowda who is one of the sons of Bettegowda is well within their knowledge. It is also pertinent to note that after completion of pleadings, necessary issues were framed and issue No.5 is relating to non-jonder of necessary party. Even inspite of this plaintiffs failed to bring children of Ugregowda as party to the proceeding which fact has to be taken into consideration. It is also pertinent to note that the present impleading applicant is also seeking his right of share over the property and ready to pay requisite court fee. Therefore, having considering the facts and circumstance of the present case, the court is of the opinion that the applicant has successfully show before court that he is a direct interest in the adjudication the suit for the partition and his presence is required so as to complete the adjudication of the dispute. Hence, I answered the **Point No.1 in the affirmative.**

**11. Points No.2 :** In view of my above discussions at Point No.1, I pass the following :

**ORDER**

Application under order 1 rule 10 of C.P.C filed by the impleading applicant is hereby allowed.

Thereby applicant is hereby implead as plaintiff No.5 in the suit as prayed for.

(Dictated to Stenographer through dictation and typed by her, corrected by me and then pronounced it in open court this the **7<sup>th</sup> day of April 2026**)

**I Addl., Senior Civil Judge  
Srirangapatna.**

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**ORDER PRONOUNCED IN THE OPEN COURT**  
**(VIDE SEPARATE ORDER )**

Application under order 1 rule 10 of C.P.C filed by the impleading applicant is hereby allowed.

Thereby applicant is hereby impleaed as plaintiff No.5 in the suit as prayed for.

For amendment and amended plaint  
02.05.2026.

**I Addl., Senior Civil Judge  
Srirangapatna.**