

KAMS400005582024



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC
AT K.R.NAGAR**

**PRESENT: Sri. Aravindra B.C., B.A., L.L.B.,
Senior Civil Judge & JMFC,
K.R.Nagar.**

Dated this the 06th day of February, 2026

O.S. No.42/2024

Plaintiff : Sri. Manjunatheshwara temple
Dharmasthala,
Duly represented by his GPA
Holder D.V.Yogish Rao.

-V/s-

Defendants : Smt. Rani Bai and another

Parties to I.A.No.1

Applicant : Sri. Manjunatheshwara Temple,
Dharmasthala,
Belthangadi Taluk,
Dakshina Kannada
With the principal deity,
Sri. Lord Manjunatheshwara,
Duly Represented by the
Dharmadhikari,
Sri. D.Veerendra Hegde,
Aged about 70 years.

**..... Plaintiff
(By Sri. O.S.B, Adv.)**



-V/s-

- Opponents** : 1. Smt. Rani Bai.
W/o Late Naagabhushan Rao,
Aged about 68 years,
R/at: #524, New No.16/32,
S.J.C. Road,
K.R.Nagar Town,
Mysuru District.
2. Sri. Sunil Kumar,
S/o Venkoji Rao,
Aged about 45 years.

Both are R/at:
#524, New No.16/32,
S.J.C. Road, K.R.Nagar Town,
Mysuru District.

**..... Defendants
(By Sri. K.M.K., Adv.)**

Provision under which the application is filed	Under Order 1 Rule 10(2) of CPC.
Relief Sought For	Seeking to implead the proposed defendants in the present suit as defendants.
The date on which the application is filed	25.01.2025
Number of the application	IA No.1
The date on which the objection is filed by the different opponents	07.04.2025



The date on which the orders was passed on the said application	06.02.2026
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**SENIOR CIVIL JUDGE & JMFC.,
K.R.NAGAR.**

ORDER ON IA.No.I

The GPA holder of plaintiff has filed this application under Order 1 Rule 10(2) of CPC, seeking to implead the proposed defendants as defendants in the present suit.

2. In the affidavit, which enclosed to I.A.No.I, wherein the P.A. Holder of plaintiff has stated that the defendant No.3 who had been originally impleaded is not residing in the plaint schedule property. Now the 1st defendant has made her children namely, Srikanth and Yogish also to come and reside in the building in the plaint schedule property. As such, it has become quite essential to implead them as parties to the suit to avoid any kind of multiplicity of proceedings in future. If the



application is not allowed, then the plaintiff will be put great hardship and misery. On the other hand, if the application is allowed, no injury will be caused to the other side. Accordingly, the plaintiff prays for allow the application.

3. On the other hand, the proposed defendants have filed objection to the application filed by the GPA holder of plaintiff. In the objection statement they have contended that, the application filed by the plaintiff is not maintainable either in law or in facts. Further, the proposed defendants are not at all necessary and property parties to the suit. Hence, they prays for reject the application.

4. Heard and perused the records.

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



1. Whether the plaintiff has made out ground to implead the proposed defendants as defendants in the suit and without impleading them the matter cannot be disposed effectively ?

2. To 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 this suit for the relief of declaration declaring that the plaintiff is the absolute owner of the schedule property and directing to the defendants to quit and handed over the vacant possession of the schedule property and such other reliefs.



8. As per plaint averments, the schedule property originally belongs to one Kausalya Bayamma W/o M.S.Devoji Rao. She had no issues, she was an ardent devotee of Sri. Manjunatheshwara temple of Dharmasthala. She was executed registered Will dated 22.05.1990 bequeathing the schedule property to the plaintiff. Further, alleged that she was died on 11.11.1996. After her death, the schedule property and other properties got vested with the plaintiff and katha of the schedule property stands in the name of plaintiff.

9. Further, alleged that one M.K.Sumithra Bai was A caretaker of the schedule property. She was looking after the schedule property during lifetime of Kausalya Bayamma. The said Sumithra Bai was only in-permissive possession of the structure. After the death of Kausalya Bayamma, the plaintiff demanded to Sumithra Bai to



vacate the structure. However, instead of vacating the schedule property, she demanding the plaintiff to pay sum of Rs.11,00,000/-.

10. Further, alleged that at the instigation of the Sumithra Bai, the defendants have filed a suit against the plaintiff in OS No.123/2013 on the file of Prl. Civil Judge and JMFC, K.R.Nagar. In the said suit, the plaintiff herein directing the Sumithra Bai to vacate the structure. However, the said suit came to be decreed in the Trial Court, granting injunction against forcible dispossession of the above said Sumithra Bai. So far as counter claim of the plaintiff herein is concerned, the Hon'ble court was observed that the plaintiff has to file a suit for possession and declaration of title. Hence, the present suit was filed. Now the defendants are in possession and enjoyment of the schedule property.



11. On the other hand, the defendants have not filed written statement. When the case was posted for steps against defendants, the present application was filed to implead the proposed defendants who are the children of defendant No.1. At this stage, it is relevant to refer Order 1 Rule 10 of CPC which reads as under;

“Order 1 Rule 10 provides for addition of proper or necessary parties and the striking out of improper or unnecessary parties. A person may be added as a party whether as plaintiff or as defendant when he ought to have being joined as a party or when his presence is necessary in order to dispose the suit completely and effectively, the words ought to have been joined in Sub Rule (2) apparently refers to necessary parties in the sense that the suit cannot be effectively disposed of without their presence on record.

It is well law settled that, a necessary party is one whose absence the court cannot pass an effective decree at all. Proper party is one, whose presence before court is necessary to ensure that all the matters in dispute effectively or completely determined. The only reason



which makes it necessary to make a person a party to action is that he should be bound by ensuring result and question should be settled in the suit”.

12. In the present case on hand, the plaintiff has stated that the proposed defendants being a children of defendant No.1 and they are came to residing in the schedule property. Hence, they are necessary parties to the suit. On the other hand, the proposed defendants have not denied the fact that they are the children of defendant No.1 and they are residing in the suit schedule property. Now at this stage it cannot possible to say whether the proposed defendants are reside in the building of the plaint schedule property or not and it requires full pledged trial. If the application is allowed, the proposed defendants have got right to file the written statement and denied the case of the plaintiff. If the application is not allowed, the plaintiff will be put to great hardship.



13. Further, in the absence of proposed defendants, the matter cannot be adjudicated effectively. Hence, the proposed defendants are necessary parties to the suit for adjudication of the matter effectively and also in order to avoid the multiplicity of the proceedings, this court is of the opinion that the application filed by the plaintiff is needs to be allowed. **Accordingly, this court answered Point No.1 is in the Affirmative.**

14. **Point No.2**:- For the above discussion on point No.1, this court proceed to pass the following:

ORDER

The I.A.No.I filed by the GPA holder of the plaintiff under Order 1 Rule 10(2) of CPC is hereby allowed.

The GPA holder of plaintiff is directed to amend the plaint by adding proposed defendants as a defendants in



the suit and furnish the amended plaint
within 14 days.

For amendment of plaint by:
21.02.2026.

*[Dictated to the Stenographer directly on computer, corrected and then
pronounced by me in the Open Court on this the **06th day of February, 2026**]*

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC.,
K.R.NAGAR.**