



**IN THE COURT OF THE HONOURABLE ADDITIONAL CIVIL
JUDGE & JMFC, AT KRISHNARAJANAGAR.**

PRESENT: SMT.ASRINA.,B.A, LLB.
ADDL. CIVIL JUDGE AND JMFC, KRISHNARAJANAGAR.

DATED THIS 1st DAY OF APRIL, 2026

O.S.No.128/2023

BETWEEN

PLAINTIFFS	1. Sri.Ningappa, S/o Late Basavaiah, Aged: 92 years, 2. Sri.Nagesha, S/o Ningappa, Aged: 51 years, 3. Madeva, S/o Ningappa, Aged: 47 years, 4. Virupaksha, S/o Ningappa, Aged: 43 years, 5. Chandrappa, S/o Madappa, Aged: 50 years, All are R/at Elemuddanahalli Village, Mirle Hobli, K.R.Nagara Presently Saligrama Taluk, Mysuru District. (By Smt.G.C.S Advocate)
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DEFENDANTS	1. Smt.Sannamma, W/o Late Ramegowda, Aged: 70 years, 2. Venkatesha, S/o Late Ramegowda, Aged: 55 years, 3. Krishnegowda, S/o Late Ramegowda, Aged: 53 years, 4. Sathisha, S/o Late Ramegowda, Aged: 51 years, All are R/at Bachahalli Village, Mirle Hobli, K.R.Nagara Presently Saligrama Taluk, Mysuru District. (By Shri.H.K.H. Advocate)
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IA NO.5**BETWEEN**

APPLICANTS	1. Smt.Kantamma W/o Late Basavarajappa, Aged: 57 years, R/at Elemuddanahalli Village, Mirle Hobli and Saligrama Taluk, Mysuru District.
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	2. Smt.Nethra W/o Channappa, R/at Arjunahalli Village, Hosa agrahara Hobli, K.R.Nagara Taluk. 3. Smt.Shivamma, W/o Shivappa, R/at Oochanahalli Village, Silanere Hobli, K.R.Pete Taluk, Mandya District. 4. Maniyamma, W/o Late Jayappa, Aged: 50 years, R/at Elemuddanahalli Village, Mirle Hobli and Saligrama Taluk, Mysuru District. (By Smt.G.C.S Advocate)
OPPONENT/ DEFENDANTS	Smt.Sannamma and others.

Provision of law	Order I Rule 10(2) R/w Section 151 of CPC.
Relief sought in the application	To implead the applicants as a plaintiffs No.6 to 9 in the above suit.

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Date of filing the application	03/12/2025.
Date of filing the objection to the application	08/01/2026
Date of order	01/04/2026.

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.

ORDERS ON IA.NO.5 FILED BY THE APPLICANTS UNDER
ORDER 1 RULE 10(2) R/W SECTION 151 OF CPC

Plaintiffs have filed the present suit for the relief of declaration of their title over the suit property and for perpetual injunction as against the defendants. When the above case was reserved for judgment, the above named applicants have filed the instant application praying to implead them as a plaintiffs No.6 to 9 in this suit.

2. In the affidavit accompanying the IA.No.5 it is averred that the plaintiffs have filed the present suit for the relief of declaration of their title over the suit property and for perpetual injunction. It is averred that the applicants are also the legal heirs of original owner namely Mr.Basavaiah. Therefore, it is averred that even the

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applicants are also the co-owners of the suit property. It is averred that the applicants being the co-owners, on 09/11/2025 the applicants have sought for partition of the suit property and allotment of their un-divided share in the suit property. It is averred that it is at that point of time the plaintiffs No.1 to 5 have informed the applicants regarding the pendency of this suit. It is averred that upon coming to know about the pendency of this suit, the applicants have filed this application to implead them as plaintiffs No.6 to 9 in this suit. It is averred that the applicants being the co-owners of the suit property, even they have their un-divided legitimate share in the suit property. It is averred that since applicants are also a co-owners of the suit property, they are the proper and necessary parties to this suit. It is averred that the applicants being a co-owners of the suit property, their presence is necessary for complete and effective adjudication of the present suit. It is averred that the applicants are the necessary parties to this suit and they will be affected by the judgment and decree which will be passed in this suit. If the application is not allowed, then the applicants will be put to irreparable loss and injury. On the other hand, if the application is allowed, then no hardship will be caused to the opponents. Hence, on the above grounds the applicants have prayed to allow the application and thereby to implead them as a plaintiffs No.6 to 9 in the above suit.

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3. The present application was strongly opposed by the defendants by filing their objection. It is stated that the application filed by the applicants to implead them as a proposed plaintiffs No.6 to 9 is not maintainable under the law. It is contended that applicants/plaintiffs No.6 to 9 are neither necessary parties nor proper parties to this suit. It is contended that the presence of the applicants/proposed plaintiffs No.6 to 9 is not at all necessary in this suit. It is contended that the present application being devoid of merits, the same needs to be rejected by imposing costs. Hence, with the above objections the defendants have sought for dismissal of the application with costs.

4. Heard arguments from both the side.

5. After going through the application along with affidavit, objection statement and the relevant documents placed on record, the following points arises for my consideration:

Point No.1: Whether the applicants/proposed plaintiffs No.6 to 9 are the proper and necessary parties to the suit?

Point No.2: What order?

6. My answers to the above points are as hereunder:

Point No.1 : In the Affirmative.

Point No.2 : As per the final orders
for the following:

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**REASONS**

7. POINT NO.1: Plaintiffs have filed the present suit for the relief of declaration of their title over the suit property and for perpetual injunction as against the defendants. By filing the instant application the applicants have prayed to implead them as a plaintiffs No.6 to 9 in this suit.

8. In an application filed under Order I Rule 10 of CPC the applicants/proposed plaintiffs No.6 to 9 must show that their presence is necessary for complete and effective adjudication of the disputes involved in the suit and that no effective decree can be passed in the absence of the applicants. This is the view laid down by the Hon'ble Apex Court in the decision in the case of **M/S.Aliji Momonji & Co Vs. Lalji Mavji & Ors.** Hence, in order to implead the applicants as a parties to this suit, the applicants must be either a proper parties or necessary parties to this suit. Though no relief is sought against the applicants, if the presence of the applicants is necessary for complete and effective adjudication of the disputes involved in the suit, then it can be said that the applicants are the proper parties. On the other hand if the case cannot be effectively adjudicated and the disputes cannot be resolved completely, and if the effective decree cannot be passed in the absence of the applicants, then the applicants can be said to be the necessary parties.

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9. Initially the plaintiffs No.1 to 5 had filed the present suit by contending that the suit property being their ancestral property, they are the co-owners of the suit property. Now the applicants have filed this application by claiming themselves to be the co-owners of the suit property along with the plaintiffs No.1 to 5. It is only the defendants who have objected the present application. The plaintiffs No.1 to 5 have not objected the present application nor the plaintiffs No.1 to 5 have denied the claim of the applicants made in the instant application. Further, though the defendants have filed their objections, but the defendants have only filed a formal objections and the defendants have not disputed the relationship of the applicants with the plaintiffs No.1 to 5.

10. Whether the applicants/proposed plaintiffs No.6 to 9 have right over the suit property or not and also whether the applicants/proposed plaintiffs No.6 to 9 are the co-owners of the suit property or not, the same can be ascertained by holding a trial. Therefore, at this stage it would be highly unjust to come to the conclusion that whether the applicants/proposed plaintiffs No.6 to 9 are the co-owners of the suit property or not. Whether the applicants/proposed plaintiffs No.6 to 9 are the co-owners of the suit property is a matter in dispute and the same can be adjudicated by holding a trial. Hence at this stage, it would be proper to follow the principles of natural justice and thereby to

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allow the applicants to participate in the proceedings by allowing them to come on record and thereby to given an opportunity to the applicants/proposed plaintiffs No.6 to 9 to establish their case before this court. Hence, the applicants/proposed plaintiffs No.6 to 9 are the proper parties to this suit. Hence, by considering all the aforesaid facts and circumstances, this court is of the opinion that the presence of the applicants/proposed plaintiffs No.6 to 9 is necessary for the purpose of fair and effective adjudication of dispute involved in this suit and that no effective decree can be passed by this court in the absence of the applicants/proposed plaintiffs No.6 to 9. Since the applicants/proposed plaintiffs No.6 to 9 are claiming to have interest over the suit property, they will be affected by the judgment and decree that will be passed in this suit. The presence of applicants/proposed plaintiffs No.6 to 9 will enable this court to pass effective decree. Hence, the presence of the applicants/proposed plaintiffs No.6 to 9 is necessary for complete and effective adjudication of the dispute involved in this suit. Accordingly for what has been discussed above, I conclude that the applicants/proposed plaintiffs No.6 to 9 are the proper parties to this suit and that the presence of the applicants/proposed plaintiffs No.6 to 9 is necessary for fair and effective adjudication of the dispute involved in this suit. Hence, the application deserves to be allowed. **Accordingly I answer Point No.1 in the Affirmative.**

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11. POINT NO.2: In view of my foregoing discussions on point No.1, I proceed to pass the following:

ORDER

IA.No.5 filed by the applicants/proposed plaintiffs No.6 to 9 under Order 1 Rule 10(2) R/w Sec.151 of C.P.C. is hereby allowed.

Consequently, the applicants are ordered to be brought on record as plaintiffs No.6 to 9 in this suit.

Counsel for the plaintiffs is hereby directed to carry out the necessary amendment in the cause title of the plaint, so as to bring the applicants on record as plaintiffs No.6 to 9 in this suit and to furnish the amended plaint.

(Dictated to the stenographer directly on computer, computerized by her, corrected by me and then pronounced in the open court on the **1st day of April-2026**)

(SMT. ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.