

KAMS500007012015



**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC
NANJANGUD**

Present : **Sri. Kamalaksha D., B.A., LL.B.,**
Senior Civil Judge & J.M.F.C.,
Nanjangud.

Dated this the 16th day of August 2025

R.A./73/2015

Appellants: Puttamadamma – dead by L.Rs.
Nagamma and others

-V/s-

Respondents: Doddabasavegowda – dead by L.Rs.
Chandramma and others

I.A. XXII

- Applicants**
1. Shivanna S/o Chikkamallegowda,
aged about 55 years,
residing at No.104, 4th Cross,
Janathanagara, Mysuru.
 2. Poornima W/o Gangadhara,
D/o Chikkamallegowda,

aged about 48 years,
residing at No.5, 15th Main,
Puttenahalli Palya,
J.P.Nagara 7th Phase,
Bengaluru South-560078.

3. Sidduregowda
S/o Basavegowda,
aged about 67 years,
Hadya Village,
Doddakowlande Hobli,
Nanjangud Taluk.
4. Sathisha S/o Basavaraju,
Mother Rathnamma,
aged about 45 years,
5. Rajesha S/o Basavaraju,
Mother Rathnamma,
aged about 42 years,
6. Lokesha S/o Basavaraju,
Mother Rathnamma,
aged about 38 years,
Respondents 4 to 6 are
residing at Kerehalli Village,
Harave Hobli,
Chamarajanagara Taluk and District.
..proposed appellants

-V/s-

Opponents : Doddabasavegowda dead by
L.Rs. Chandramma and others
... Respondents

ORDERS ON I.A.XXII FILED UNDER
ORDER I RULE 10(1) OF CPC

The applicants filed the application to implead them as appellants, because they are necessary parties in the above case.

2. In the affidavit it is sworn that, the mother of the L.R. of appellant No.2(a) i.e., Gurubasamma had 7 children and she died during the pendency of the appeal and in L.R's application of deceased Gurubasamma only 4 legal heirs were brought on record and 3 legal heirs were mistakenly left out and they are himself, his elder sister Puttabasamma, and younger sister Rathnamma. Among them Puttabasamma died, hence her legal heirs Sathish, Rajesha, Lokesha are to be impleaded as necessary parties to the appeal. Hence, prays to allow this application.

3. On the other hand, the respondents filed objections stating that, after the death of appellant No.2(a) some of the legal heirs have filed application stating that they are the only legal heirs. But now the present

appellants state that they are also the legal heirs. Hence, the claim of the applicants cannot be considered. In the application dated 02.07.2025 Sidduregowda the 3rd applicant has stated that due to lack of knowledge they have not been impleaded by the appellants. Now they have filed application that they are also legal heirs of the deceased Gurubasamma. This creates a doubt regarding who are the L.Rs. of Gurubasamma. Hence, prays to reject the application.

4. Heard. Perused pleadings and materials placed on record. The points that arise for consideration are:

1. Whether the applicants / proposed appellants made out grounds to implead them as appellants?

2. What order ?

5. The above points are answered as follows :-

Point No.1 : In the affirmative

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

REASONS

6. **Point No.1:-** Simple reason may enough to allow the application, because the respondents never objected the relationship of the applicants/proposed appellants with the respondents. But the objection of the respondents that at first instance similar application was filed and the applicants of that application have narrated that they are the only legal heirs. Now some of other persons have come to the court by claiming them as the legal heirs of Puttabasamma. So, it is to be noted that the respondents have not denied the relationship. Suppose the application is allowed, it would not cause any hardship to the respondents. On the other hand, if the application is rejected, it would definitely curtail the important right of the applicants. Hence, **point No.1** is answered **in the affirmative**.

7. **Point No.2:-** In view of the findings on the above point, this Court proceeds to pass the following:

ORDER

I.A.XXII filed by the applicants/proposed appellants under Order I Rule 10(1) of C.P.C. is allowed with no order as to cost.

The applicants are permitted to come on record as appellants.

(Dictated to the stenographer, transcribed by her on computer, revised, corrected and then pronounced by me in open Court on this the 16th day of August 2025).

(Kamalaksha D.)
Senior Civil Judge & J.M.F.C.,
Nanjangud.