

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC  
NANJANAGUDU**

**PRESENT**

**Sri. Sathisha K.G.,** B.A.,LL.B.  
Principal Civil Judge & JMFC., Nanjanagudu

**Dated: 10<sup>th</sup> day of February, 2025**

**O.S.No.382/2016**

**PLAINTIFF**    ::    Sri. Ankashetty  
                                 S/o Late Sannashetty  
                                 Aged about 57 years,  
                                 R/at Hedathale Village,  
                                 Doddakowlande Hobli,  
                                 Nanjangud Taluk,  
                                 Mysuru District.  
  
(By Sri. B.L. Srikantamurthy, Advocate)

**- V/s -**

**DEFENDANT**    ::    Smt. Sannamma  
                                 W/o Late Ankashetty  
                                 Aged about 50 years,  
                                 R/at Hedathale Village,  
                                 Doddakowlande Hobli,  
                                 Nanjangud Taluk,  
                                 Mysuru District.  
  
(Presently R/at House No.586,  
1<sup>st</sup> Cross, 2<sup>nd</sup> Main Road,  
Byraveshwara Nagara,  
Ward No.27, Hebbal,  
Mysuru-16)  
  
(By Sri. Somanna. T.S. Advocate)

**Parties in Application filed under order 1 Rule 10(2) of CPC**

**APPLICANTS** :: 1) Sri. Shivanna  
S/o Ankashetty  
Aged about 45 years,  
2) Sri. Ganeshha  
S/o Ankashetty  
Aged about 42 years,  
3) Smt. Nagamma  
D/o Ankashetty  
Aged about ..... years,  
(Applicants from 1 to 3 are  
R/at Hedathale Village,  
Kavalande Hobli,  
Nanjangud Taluk, Mysuru District.)

**- V/s -**

**OPPONENT** :: Smt. Sannamma.....Plaintiff

Provision under which the application is filed	Under order 1 Rule 10(2) R/w Section 151 of CPC
Relief sought for	To implead as plaintiff No.2 to 4
The date on which the application is filed	18.03.2023
Number of the application	- - - -
The date on which the objections are filed by different opponents	Objection not filed
The date on which the orders were passed on the said application	10.02.2025

**ORDER ON APPLICATION FILED U/O.I RULE 10(2) R/W  
SECTION 151 OF CPC BY THE APPLICANTS**

When the matter is set down for further cross of PW2, the  
applicants by name Sri.Shivanna, Sri.Ganeshha and

Smt.Nagamma have filed this application to implead them in this suit as plaintiffs No.2 to 4 stating they purchased the suit property from the plaintiff through registered sale deed dated:16/06/2022.

2. In the affidavit filed in support of application, the applicant No.1 has stated that, the plaintiff has transferred the suit property in his name as well as other applicants and they are in peaceful possession over the suit property. Therefore, he along with other applicants are necessary parties and their presence is very much necessary to decide the issue involved in the case effectively. Hence, he sought for allow the application.

3. After receipt of application, the defendants have not filed objection despite adequate opportunities.

4. For disposal of application, the following points arise for consideration:-

1. Whether the applicants are necessary parties to the suit in order to proper adjudication of the suit?
2. To what order?

5. Having heard the arguments. My findings to the above points are as under:-

Point No.1 : In the Affirmative

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

**: REASONS :**

6. **POINT NO.1:-** Order I Rule 10 of C.P.C., enables the Court to add any person as a party at any stage of proceedings, if the person whose presence in Court is necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of proceedings is also one of the objects of the said provision. Order I Rule 10 of C.P.C., empowers the Court to substitute a party in the suit who is a wrong person with a right person. If the Court is satisfied that, the suit has been instituted through a bonafide mistake and also that it is necessary for the determination of the real matter in controversy to substitute a party in the suit, it may direct it to be done. When the Court finds that, in the absence of the persons sought to be impleaded as a party to the suit, the controversy raise in the suit can't be effectively and completely

settled, the Court would do justice by impleading such persons. Order I Rule 10(2) of C.P.C., gives wide discretion to the Court to deal with such a situation, which may result in prejudicing the interest of the affected party if not impleaded in the suit, and where the impleadment of the said party is necessary and vital for the decision of the suit.

7. In the present case on hand, the plaintiffs have filed this suit against the defendants for the relief of declaration and consequential relief of permanent injunction. According to applicants their has executed Sale deed in their favour in respect of suit schedule properties. Hence, their presence is very much necessary and they are necessary parties for proper adjudication of the suit. Under Rule 10 Order 22 of the Code, when there has been a devolution of interest during the pendency of a suit, the suit may, by leave of the Court, be continued by or against persons upon whom such interest has devolved and this entitles the person who has acquired an interest in the subject-matter of the litigation by an assignment or creation or devolution of interest pendente lite or suit or any other person interested, to apply to the court for leave to

continue the suit. In the present case on account of purchase of suit schedule properties, interest in the said property is devolved on the proposed plaintiffs and it is permissible for them to apply to this Court to seek to come on record of this Suit as plaintiffs under Order 22 Rule 10 of C.P.C.

Whatever right or title existed in the sole plaintiff would pass on to the third parties after the transaction of sale is duly proved. The defendant will have an opportunity of filing the written statement basing on which an appropriate issue would be framed and evidence would be led. As rightly contended by the third party, in the absence of third party, the plaintiff who has lost interest in the property due to sale, may not continue with the proceedings in the suit and thereby the interests of the third party would be put to hardship. As such, in the light of the foregoing discussion, the applicants are necessary parties to the suit. Whether the applicants have title based on sale deed in respect of suit schedule properties can't be decided on this application and said question is to be decided during trial. Hence, the presence of proposed plaintiffs are very much necessary to decide the issue involved in the suit.

8. Order 1 Rule 10(2) of CPC, empowers this court to implead any party at any stage of the proceedings either as plaintiff or defendant upon or without any application of either party, whose presence appears to be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit. Therefore, in order to avoid multiplicity of proceedings, the applicant/proposed plaintiffs are also necessary parties in the present suit and they can also participate in the suit, in order to decide the real issue that arose in the suit.

9. If the application is allowed, no hardship or injury would be caused to the other side. On the other hand, if it is rejected, it would lead to multiplicity of proceedings. Therefore, there are no grounds to reject the prayer of the applicants. Hence, the proposed plaintiffs are necessary parties for proper adjudication of the suit. Accordingly, Point No.1 is answered in the **Affirmative**.

10. **POINT NO.2:-** In the light of above discussion, this Court proceed to pass the following:-

**ORDER**

Application filed by the applicant/ proposed plaintiffs U/O.I Rule 10(2) R/w Section 151 of C.P.C., is hereby allowed.

The applicants are permitted to implead as Plaintiff No.2 to 4 in this suit.

The plaintiffs are directed to amend the cause title of the plaint and to file amended plaint.

No order as to costs.

(Dictated to the Stenographer directly on computer, typed by him, the same is corrected, revised, signed and then pronounced by me in the open Court, on this the **10<sup>th</sup> day of February, 2025**)

**(SATHISHA K.G.)**  
Principal Civil Judge & JMFC,  
Nanjanagudu.