

KAMS600023292022



O.S./235/2022

IN THE COURT OF SENIOR CIVIL JUDGE,
PERIYAPATNA

Present
Sri.Raju.M

M.A., LL.B.,
Senior Civil Judge,
Periyapatna.

Dated: 27th Day of November 2025

OS.No.235 of 2022

Smt.Jayamani.

..... Plaintiff
(By Sri.MJ, Advocate)

Versus

Sri.Raju.

..... Defendant
(By Sri.CKM, Advocate)

Parties to IA.No.6

Smt.Rathnamma & Sri.Jagadeesha

Applicants/Proposed defendant
Nos.2 & 3

Versus

Smt.Jayamani.

.... Opponent/Plaintiff

Provision under which IA is filed	u/Order 1 Rule 10 (2) r/w Section 151 of CPC
Relief sought for	For impleading the proposed defendants.
Date of filing of application	05.08.2025
Application No.	6
Date of filing objection	27.09.2025
Date of order	27.11.2025

ORDERS ON IA NO.6

Applicants have filed this application u/o 1 rule 10 (2) r/w 151 of CPC to get implead themselves as the proposed Defendants No.2 and 3 in the above case.

2. Advocate for Plaintiff has filed statement of objection contending that they have filed the suit for the relief of partition and separate possession in respect of the suit schedule properties belonging to plaintiff's father Late Shivananjappa who purchased them on 24.08.1983. Hence the suit schedule properties belonging to plaintiff and defendant but the

applicants have no manner of right over the suit schedule properties. In OS No.299/2022 the plaintiff has filed the suit for the relief of partition in respect of the properties belonging to her father but the plaintiff share is not allotted therein. Hence the plaintiff has filed the above suit only in respect of her ancestral properties. Hence prays to dismiss the application.

3. Heard argument of both sides.

4. Following points arise for consideration:

1. Whether the applicants are also proper or necessary parties to the case?

2. What order?

5. My answer to the above points are as follows;

Point No.1 : In the negative

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

REASONS

6. The applicant Nos. 1 & 2/proposed defendants, in the affidavit filed along with the application have stated that they are also having share in the plaint schedule properties but the plaintiff without impleading them has filed the suit and the said fact came to know the applicants recently. The applicants further submits that the plaintiff herein has filed OS No.299/2022 against the applicants for the relief of partition and separate possession of the properties involved in this case and the said suit is pending before this court for consideration. But the plaintiff by suppressing the earlier suit has filed the present suit. Hence, the applicants have come up with the present application.

7. The plaintiff has filed the above suit for the relief of partition and separate possession in respect of the

land bearing Sy.No.29/2 and Sy.No.30/1 situated at Kurgallu village, Bettadapura Hobli, Periyapatna Taluk and house property situated at Bettadapura village, Periyapatna Taluk. According to the plaintiff her father Late Shivananjappa had purchased the suit schedule properties vide registered sale deed dated 24.08.1983. In this regard the plaintiff has produced certified copy of sale deed, which is already marked at Ex.P-1.

8. The applicants in their application have not stated about their relationship either with plaintiff or the owner of the suit schedule property. Admittedly the plaintiff herein has filed another suit in OS No.299/2022 for the same relief in respect of the subject matter of the present suit. Such being the fact, if the applicants are having right of share over the suit property they can workout their remedy in that suit. For that reason the applicants need not be impleaded

in the present suit also. With all these reasons I am of the considered opinion that the applicants are neither proper nor necessary parties to the suit. Accordingly I answered point No.1 in the ***negative***.

9. Point No.2: In view of my findings on point No.1 I proceed to pass the following:

ORDER

IA No.6 filed u/o 1 rule 10 (2) of CPC by the applicants is hereby dismissed.

For cross of PW1 by **20.01.2026**

(Dictated to the Stenographer, directly typed by her on computer, corrected by me and then pronounced in the open Court on this the 27.11.25).

sd/-
(RAJU.M.)
Senior Civil Judge,
Periyapatna.