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IN THE COURT OF CIVIL JUDGE AND JMFC,
AT T.NARASIPURA, MYSURU

PRESENT

SRI. CHETHAN ANNADANI MANJUNATHA, B.A., LL.M.,
Civil Judge & J.M.F.C.,
T.Narasipura

DATED THIS THE 10th DAY OF FEBRUARY 2023

O.S./183/2014

PLAINTIFFS :: Sridhara

[By : Sri.S.G., Advocate]

V/s

DEFENDANTS :: Rangegowda and others

[By : Sri.B.M.N., Advocate]

PARTIES TO I.A.No.11

APPLICANT/ :: Bettamma,
Proposed W/o. Vadgallaiah,
plaintiff No.2 D/o. late B.R.Rangegowda,
Aged about 65 years,
R/at. B.Bettahalli village,
Bannur Hobli,
T.Narasipura Taluk,
Mysuru District.

V/s

OPPONENT/DEFENDANTS :: Rangegowda and others

: ORDERS ON I.A. No.11 :

During the stage of further chief-examination of D.W.1, the applicant/proposed defendant No.2 has filed this application under Order 1 Rule 10(2) of C.P.C seeking to implead her as plaintiff No.2.

2. In the affidavit accompanying the said application sworn in by the applicant, it is submitted that, the plaintiff has filed a suit against the defendants for the relief of declaration and consequential relief of Permanent Injunction, wherein the suit schedule property was purchased by her father vide Registered sale deed dated 24.08.1970. Thereafter, her father who was in possession and enjoyment of the suit schedule property had no male issues, as such, adopted the plaintiff herein as adopted son and now the adopted son is in possession and enjoyment of the suit schedule property. It is submitted that, her marriage was performed and she is residing with her family and the defendants are interfering with possession of her adoptive brother in respect of the suit schedule property, which was very recently known to her. It is further submitted that, after institution of this suit the defendants have not whispered anything about her in their written statement and since the plaintiff was suffering from ill-health, the plaintiff was examined through his GPA. The defendants have not cross-examined anything about her. However, during the course of cross-examination of P.W.2

the defendants have questioned about the applicant herein and after consultation the counsel has suggested her to come on record as a party to the suit. As such, prayed to allow the application.

3. On the other hand, the defendants have not filed objection to the said application. As such, objection to the said application was taken as not filed.

4. The counsel for plaintiff submits to take his argument as heard. I have perused the records of the case on hand, carefully and meticulously.

5. The points that arise for my consideration are as under:-

1. *Whether the applicant has made out sufficient ground to allow the IA.No.11 ?*
2. *What order?*

6. My findings on the above points are as follows:

POINT No.1 : In the Affirmative
POINT No.2 : AS PER FINAL ORDER
for the following ;

:: R E A S O N S ::

7. **POINT NO.1:** It is the case of the applicant that the plaintiff is none other than the adoptive son of her father who is in possession of the suit schedule property having purchased the same vide registered sale deed dated 24.08.1970 and after his demise the plaintiff is in possession and enjoyment of the suit schedule property, wherein he has instituted the present suit against the defendants for the relief of declaration and Permanent Injunction, wherein during the course of cross-examination of P.W.2 the counsel for the defendants has questioned about the applicant herein. As such, it is necessary to come on record in the present case, leading to this instant application. The perusal of records reveals that the plaintiff has filed the above suit against the defendants for the relief of declaration and consequential relief of Permanent Injunction. Admittedly, the plaintiff is claiming his possession over the suit schedule property by virtue of registered sale deed dated 24.08.1970 executed in favor of B.R.Range Gowda who is none other than the adoptive father of the plaintiff herein. So also, the plaintiff herein is also daughter of said Range Gowda who also has rights over the suit schedule property. As she is the daughter of said Range Gowda.

8. As per the order 1 Rule 10(2) of C.P.C, the court may at any stage of the proceedings, either upon or

without the application of either party, and on such terms as may appear to the court to be just and necessary the court may add any person as plaintiff or defendant, be struck out any person whose is arrayed as plaintiff or defendant.

9. In the case on hand, the applicant is none other than the daughter of Rangegowda and the same has not been disputed by the defendant as the same has been questioned/suggested to P.W.2 in his cross-examination. Since she also has rights over the suit schedule property which has been claimed by the plaintiff, it is necessary to array the applicant a party plaintiff in the present suit. The presence of the applicant is necessary before this court in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit. Further in spite of granting sufficient opportunities the defendants have not filed objection to the said application. The application filed by the plaintiff is uncontested. Such being the case, there is no impediment to allow the application filed by the applicant herein. Hence, this court is of the view to allow the present application. As such, I have answered, this Point in the **Affirmative.**

10. POINT NO.2: For the aforesaid reasons, I proceed to pass the following;

:: ORDER ::

The IA.No.11 filed by the applicant under Order 1 Rule 10(2) of C.P.C is hereby allowed.

Consequently, the applicant is hereby arrayed as plaintiff No.2 in the present case.

(Dictated to stenographer directly on computer and computerized by her, corrected, signed and then pronounced by me in the open Court on this the **10th day of February, 2023**).

(SRI.CHETHAN ANNADANI MANJUNATHA)
CIVIL JUDGE & JMFC.,
T.NARASIPURA.