

KARN020008262014



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE & CJM.,  
AT RAMANAGARA**

**:PRESENT:**

Presided Over by:- Smt.Saraswathi K N., B.A.L., LL.M.,  
Prl. Senior Civil Judge & CJM,  
Ramanagara.

**DATED : THIS THE 6<sup>th</sup> DAY OF JUNE, 2023**

**O.S.No.313/2014**

Plaintiff : Smt. Venkatalakshamma

-V/s-

Defendants : Smt. Revamma and others

Parties to I.A.No.9

Applicants : Smt. Lakshamma and othes

- (Proposed Defendant No.1 to 4)

-V/s-

Opponent : Smt. Venkatalakshamma

- (Plaintiff)

**Order on I.A.No.9 under Order I Rule 10(2) R/w.**

**Sec 151 of the CPC.,**



The counsel for the applicants has filed this application to implead the applicants as the additional Defendants in this suit.

2. In the affidavit sworn in support of the present application the applicant No.1 has sworn that the Plaintiff has filed this suit against the Defendants seeking the relief of partition and separate possession in respect of the suit schedule property. The property in Sy.No.74/1, measuring 1 acre 31 guntas is one of the properties at Sl.No.1.

3. That a portion of the suit schedule Item No.1 property measuring 25 guntas belonged to Kenchappa S/o Doddathimmaiah, the husband of the Defendant No.1 and the father of the Defendant No.2 to 4, who sold the same to the husband of the 1<sup>st</sup> of them viz., one



Muniyappa and the father of the remaining applicants under a registered sale deed dated 22.11.1979. That on the basis of the said registered sale deed, they are in peaceful possession and enjoyment of the said property till date. The Plaintiff and the Defendants know the same from the date of its alienation.

4. That they were not aware of the filing of the suit by Venkatalakshamma against her brothers and sisters, by including their property till the last week when one of the villagers told her about the said litigation. Therefore they were shocked and surprised and upon enquiry, the children of Kenchappa i.e., the Defendant No.2 to 4 did not disclose anything about the suit. Thereafter upon enquiry through a Counsel, they came to know about the pendency of the above suit.



5. That the Plaintiff and the Defendants, in collusion with each other by suppressing the alienation, have filed this suit behind the back in intention to grab their property and as such they are the necessary parties as their valuable rights in the immovable properties involved, in their absence, the suit cannot be adjudicated. Accordingly, they have prayed to allow the application.

6. Per contra, the Counsel for the Plaintiff has filed objections to the present application by opposing to allow the same by denying the contents of the affidavit. According to them the present suit is between the Defendants and the Plaintiff, in which, the relief sought is personal and the applicants have got nothing to say in the suit and their presence is absolutely not required. Therefore it is prayed to reject the application with costs.



7. Heard both the sides and perused the materials on record.

8. The following points would arise for the consideration of this court:-

- 1) Whether the IA.No.9 filed by the Proposed Defendants under Order I Rule 10(2) R/w Sec.151 of CPC., deserves to be allowed?
- 2) If so, what order?

9. My answers to the above points are as under:-

Point No.1 : In the Affirmative;

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

### **REASONS**

**10. Point No.1:-** Admittedly, the Plaintiff has filed this suit against the Defendants seeking the relief of partition and separate possession. The applicants have come up before this Court through the present application claiming to be the



purchasers of the portion of the suit schedule Item No.1 property through one Kenchappa. Though the Plaintiff has denied the contents of the affidavit, it is necessary to note that, as the applicants are claiming to be the purchasers of the portion of the suit schedule Item No.1 property, they are the necessary parties to the present suit. As the interest of the applicants is involved in the suit schedule Item No.1 property though partially, their participation is necessary and as such they are the necessary parties to the suit. Accordingly, this point is answered in the “Affirmative”.

**11. Point No.2:-** In view of my answer to Point No.1, I proceed to pass the following:-

**ORDER**

I.A.No.9 filed by the Applicants  
under Order I Rule 10(2) R/w. Sec.  
151 of the CPC is hereby allowed.



The applicants are permitted to be impleaded as the Defendants in the suit.

The Counsel for the Plaintiff shall carry out the amendment to the cause title of the plaint and file amended plaint in this regard.

For compliance, Call on:

*(On-line dictation given to the Typist and typed by her, corrected, signed and then pronounced by me in the Open Court on this the 6<sup>th</sup> day of June, 2023).*

Prl.Senior Civil Judge and CJM.,  
Ramanagara.