



**IN THE COURT OF ADDL.SENIOR CIVIL
JUDGE & J.M.F.C. AT CHANNAPATNA.**

Present:-

Sandesha.K.,M.A.,LLB

(Addl.Senior Civil Judge & J.M.F.C., Channapatna)

Dated: 27th Day of July 2026

ORIGINAL SUIT NO.1/2017

Plaintiff : S.G.Jayashankar,
S/o Gangadharappa,
Aged about 45 years,
R/at Sangannahalli Village,
Chelur Hobli,
Gubbi Taluk,
Tumkuru District.

(Rep.by Sri.V.R., Adv.,)

V/S

Defendants :

1. Smt.Puttamma,
W/o Late Kadaiah @
Kadegowda,
Aged about 67 years,
2. Sri.Ramesh,
S/o Late Kadaiah @
Kadegowda,
Kadegowda,
Aged about 47 years,
3. Sri.K.Nagaraju,
S/o Late Kadaiah @,
Kadegowda,
Aged about 34 years,

All are R/at,
Kadaramangala Village,

2 **O.S.No.1/2017(Or)**

Mallur Hobli,
Channapatna Taluk,
Ramanagara District.

(D-1 & 2 by Sri.G.R.S.,.Adv)**Parties in IA No. VII****Applicant/Proposed defendant No.4:**

Smt. Lakshmi D/o Late Kadaiah,
W/o Shivanna,
Aged about 48 years,
R/at Thagachagere Village and Post,
Kasaba Hobli,
Channapatna Taluk,
Bangalore South District.

V/s**Opponent /Plaintiff : Sri.S.G.Jayashankar,**

1.	Provision under which application filed.	Under order 1 rule 10(2) R/w Sec.151 of CPC
2.	Relief sought P	Pray for implead him has a defendant No.4.
3.	The date on which application filed.	11.03.2026
4.	Number of application	IA No.VII
5.	The date of which the objection filed by the respondent /defendants	10.04.2026



6.	The date on which the order were passed on the said application	27.07.2026
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**ORDERS ON IA No.VII FILED BY THE
APPLICANT/PROPOSED DEFENDANT UNDER
ORDER 1 RULE 10(2) R/W SEC.151 OF CPC.,**

The applicant/proposed defendant has filed this application under order 1 rule 10(2) R/w Sec.151 of CPC pray for implead him as a defendant No.4 in the above case.

2. At this stage of cross of PW-1 the proposed defendant has filed this application the impeded as a defendant No.4..

3. In the affidavit filed in support of I.A.No.VII proposed defendant has stated that, plaint schedule property ancestral and joint family property of a proposed defendant, said proposed defendant had share over the said property. Hence, this application.

4. In return plaintiff has filed objection to IA No.VII and stated that, defendant No.1 to 3 have executed a sale agreement in favour of plaintiff dated 25.01.2014 proposed defendant is not necessary party to the suit. In order to the harass the plaintiff this application filed. Hence, pray for dismiss the application with cost.



5. For disposal of I.A.No.VII following points arise for consideration:

1. Whether the proposed defendant is necessary party to the suit in order to proper adjudication of the suit?.

2. What Order?

6. Having heard the arguments on both side, my findings to the above points are:

Point No.1 : In the “**Negative**”

Point No.2 : As per the final order

For the following:

REASONS

7. **Point No.1** :- Order 1 rule 10(2) R/w Sec.151 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 settled all the questions involved in the suit. Avoidance of multiplicity of proceedings is also one of the objects of the said provision. Order 1 rule 10 of code 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 implead as a party to the suit, the controversy raised in the suit cannot be effectively and completely settled, the court would do justice by impleading such persons. Order 1 rule 10(2) of the code gives wide discretion to the court to deal with such a situation which may result in prejudicing the interests of the affected party if not impleaded in the suit, and where the impleading of said party is necessary and vital for the decision of the suit.

8. In the present case on hand, the proposed defendant stated that, suit schedule property and ancestral and joint family property of the proposed defendant. The proposed defendant had right over the the share over the said property. Hence, she has this application.

9. The learned counsel for the plaintiff argued before this court that, he filed against a defendant for the relief of specific performance of contract in respect of registered agreement dated 25.01.2014. the defendants have executed a said agreement in



favour of plaintiff. But they failed to comply the terms fo the agreement. Therefore, the plaintiff has field this suit. The proposed defendant has no right over the said property. In order to the harass the plaintiff this application is filed. Hence, pray for dismiss the application. Despite of given sufficient time proposed defendant failed to address the arguments on I.A.No.VII. Hence, arguments of the proposed defendant is taken as nil.

10. In the light argument canvased by the learned counsel for the both parties this court has carefully perused the pleadings as well as documents produced by the parties. As already stated that, the plaintiff has filed suit against the defendant for the relief of specific performance of contract. Plaintiff has produced registered sale agreement along with E.C and RTC extracts, therein the proposed defendant name is not found in the said document. Except filing application, the proposed defendant has produced any supporting documents shows that plaint schedule property is the ancestral and joint family property of the proposed defendant. Mere filing application is not sufficient hold that plaint schedule property is the ancestral and joint family property of the proposed defendant. No documents shows that,



plaint schedule property is the ancestral property of the proposed defendant. Proposed defendant is not the necessary party to the suit. Proposed defendant even not produced genealogical to prove the relationship with the defendant and proposed defendant. Hence, application filed by the proposed defendant not maintainable. Therefore, the proposed defendant is not necessary party to the suit for propose of effective adjudication of the suit. Accordingly, point No.1 is answered in the ***“Negative”***.

11. Point No.2:- In the light of the above discussion, this Court proceed to pass the following:

ORDER

I.A.No.VII filed by the proposed defendant under order 1 Rule 10(2) R/w Sec.151 of CPC., is hereby rejected.

(Dictated to the stenographer, directly on the computer corrected and signed by me and then pronounced in the Open Court on this 27th day of July 2026)

(Sandesha.K)
Addl.Senior Civil Judge & JMFC.,
Channapatna



8 **O.S.No.1/2017(Or)**

**(ORDER PRONOUNCED IN THE OPEN COURT
(ON 27/07/2026)
(VIDE SEPARATE ORDER)**

I.A.No.VII filed by the proposed defendant under order 1 Rule 10(2) R/w Sec.151of CPC., is hereby rejected.

For cross of PW-1. Call on 25.08.2026.

Addl.Senior Civil Judge & JMFC.,
Channapatna.