



O.S.No.295/2024(Or)

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

Present:-
Sri. Sandesha.K.,MA.,LLB
(Addl.Senior Civil Judge & J.M.F.C., Channapatna)

Dated: 17th Day of February 2026

ORIGINAL SUIT NO 295/2024

Applicant/Proposed defendant No.4:

Smt.Yashasvini.K,
D/o Krishnappa,
Aged about 23 years,
R/at Thimmasandra
Village, Kasaba Hobli,
Channapatna Taluk,
Ramanagara District.

(Rep.by Sri. T.M.L., Adv.,)

V/S

Opponent/Defendant No.2 :

Sri.Ravikumar,
S/o Late Tirumalaiah,
Aged about 48 years,
R/at No.2101/2, 12th
Cross, Mangalavarapete,
Channapatna Town,
Ramanagara District.

(Rep. by Sri.M.M.,.Adv)



Parties in IA No. III

Applicant/Plaintiffs : Smt. Shymala, & Others

V/s

Opponents /Defendants : Sri. Pradeep Kumar and
others,

1.	Provision under which application filed.	Under order 1 rule 10(2) R/w Sec.151 and 94(E) of CPC
2.	Relief sought P	Pray implead applicant by name Yashasvini.K, implead herself has proposed defendant.
3.	The date on which application filed.	15.04.2025
4.	Number of application	IA No.III
5.	The date of which the objection filed by the respondent /defendants	16.12.2025
6.	The date on which the order were passed on the said application	17.02.2026

ORDERS ON IA No.III FILED BY THE
APPLICANT/PROPOSED DEFENDANT NO.4
UNDER ORDER 1 RULE 10(2) R/W SEC.151 AND
94(E) OF CPC.,

The applicant/proposed defendant has filed this application under order 1 rule 10(2) R/w Sec.151 and



94(E) of CPC pray for implead him as a defendant No.4 in the above case.

2. At this stage of written statement of defendant NO.3. the proposed defendant has filed this application to implead him as defendant No.4 .

3. In the affidavit filed in support of IA No.III proposed defendant stated that, the plaintiff has filed this against the defendants for the relief of partition separate possession by suppressing true facts. Defendant No.2 executed registered sale deed in respect of Sy.NO160/17 measuring 00.02 guntas out of 00.16 guntas on 03.04.2021. Thereafter, he executed regular sale deed in favour of proposed defendant. Hence, the proposed defendant filed the suit against the defendant No.2 for the relief of specific performance for contract in respect of said property and also this court has granted interim stay further order. Said suit is posted for plaintiff evidence. Proposed defendant obtained RTC extracts and reflect that, this court has granted stay in the present suit and also proposed defendant right is involved in present suit.

4. it is further submitted the proposed defendant interested party to the suit hence, proposed defendant is necessary party to the suit. If



the application is allowed no loss or prejudice will be caused to the plaintiff. Hence, this application.

5. In return defendant No.2 has filed objection to IA No.III filed the proposed defendant and stated that, suit schedule property is not family property of the proposed defendant. Proposed Defendant filed suit for specific performance of contract on the strength of the sale agreement dated 03.04.2021. The proposed defendant need not to be party to the suit. Only with malafide intention this application filed. Hence, pray for dismiss the application with cost.

6. plaintiff has a filed objection I.A.No.III and stated that, plaint schedule property is the joint family property of the plaintiff. There is no partition beet plaintiff and defendant. Defendant No.2 by creating the document in order to deflect the right the plaintiff he sold item No.7 of plaint schedule property. Plaintiffs have also right in the said property. Hence, the proposed defendant is not necessary to the suit. Hence, pray for dismiss the application with cost.

7. For disposal of I.A.No.III following points arise for consideration:

1. Whether the proposed defendant No.4 is necessary party to the suit in order to



proper adjudication of the suit?.

2. What Order?

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

Point No.1 : In the “**Affirmative**”

Point No.2 : As per the final order

For the following:

REASONS

9. Point No.1 :- Order 1 rule 10(2) R/w Sec.151 and 94(E) of CPC 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.

10. In the present case on hand, the proposed defendant has purchased the property through the defendant No.2 before filing suit. Therefore, the proposed defendant is a necessary party to the suit. Plaintiff has filed suit against the defendants for the relief of partition. After that, the proposed defendant has filed this application. The proposed defendant has filed the suit against the defendant No.2 here in O.S.No.141/2023 for the relief of specific performance of contract in respect of item No.7 plaintiff's scheduled property and also moved application for interim injunction. Thereafter, the plaintiffs have filed the suit against the defendants for the relief of



partition. Therefore, the proposed defendant is a necessary party the suit.

11. The learned counsel for the plaintiff argued before this court that, they field suit for partition with regard with family property. Therefore, the proposed defendant is not family member of the plaintiff and defendants. Therefore, the proposed defendant is not necessary party to the suit. Hence, pray for the dismissed the application. In turn the counsel for the defendant No.2 argued this before this case that, the proposed defendant has filed os No.141/2023 on the strength the sale agreement. The proposed defendant is not a proper party to the suit. Hence, pray for dismiss the application.

12. The counsel for the proposed defendant argued before the this court, that the 2nd defendant hearing executed sale agreement with regard to the item No.7 of the plaint schedule property and he has not executed sale deed. The proposed defendant has filed suit in O.S.No.141/2023 against the defendant No.2 here in. Hence, the interest of the proposed defendant is vested. Hence, the proposed defendant necessary party to the suit. Hence, pray for the allow the application.



13. 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 defendants for the relief of partition. The clime of the proposed defendant is, he purchased the portion plaint A schedule property from 2nd defendant and he filed suit against the defendant in O.S.No.141/2023 on strength of the sale agreement on 03.04.2021, after the plaintiff have filed this suit against the defendants for the relief of partition. Therefore, the interest of the proposed defendant is vested. The proposed defendant is necessary party to the suit. As already stated above after filing O.S.No.141/2023 against the 2nd defendant by the proposed defendant this suit is came to be filed. Therefore, the the proposed defendant is necessary party to the suit for propose and effective adjudication of the suit. Accordingly, point No.1 is answered in the ***“Affirmative”***.

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

ORDER

I.A.No.III filed by the proposed
defendant under order 1 Rule 10(1)



R/w Sec.151 and 94(E) of CPC., is
allowed plaintiff is directed to
amended plaint and furnished
amended the plaint.

(Dictated to the stenographer, directly on the computer corrected
and signed by me and then pronounced in the Open Court on this 17th
day of February 2026)

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



**(ORDER PRONOUNCED IN THE OPEN COURT
(ON 17/02/2026)
(VIDE SEPARATE ORDER)**

I.A.No.III filed by the proposed defendant under order 1 Rule 10(1) R/w Sec.151 and 94(E) of CPC., is allowed plaintiff is directed to amended plaint and furnished amended the plaint.

Addl.Senior Civil Judge & JMFC.,
Channapatna.