



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

Present:

**Sri. Shivakumar R., B.A.L., LL.B.,
Addl. Senior Civil Judge & JMFC., Magadi**

DATED: THIS THE 14th DAY OF NOVEMBER, 2025
O.S. No.24/2021

Plaintiff :- Smt. S. Naveena,

(By **Sri. B.C.** Advocate)

--V/s--

Defendant:- Sri. K. N. Basavarajaiah & Ors.,

(By **Sri. K.S.P. Advocate**)

ORDERS ON IA NO.9

APPLICANTS/ :
PROPOSED D4

Smt. Renukambika,
W/o. Basavarajaiah K. N.,
Aged about 75 years,
R/at: No.432, 9th Main, NGEF Layout,
Nagarabhavi, Bangalore – 560 072.

V/s

OPPONENTS : Smt. S. Naveena

The impleading applicant has filed this I.A., U/O.I Rule 10(2)
r/w. Sec.151 of C.P.C., with a prayer to implead her as proposed
defendant No.4 in the above matter.



2. The I.A., supported with the affidavit of the impleading applicant. It is stated in the affidavit that, the plaintiff has filed the above suit against the defendants for the relief of partition and separate possession of her legitimate share in respect of suit schedule properties claiming share through her deceased husband. It is further stated that, the husband of the plaintiff is non other than the son of the impleading applicant. The son of the impleading applicant and husband of the plaintiff herein was died on 14.08.2007 intestate leaving behind impleading applicant and plaintiff herein as his Class-I legal heirs. Hence, the impleading applicant and plaintiff have succeeded the estate of deceased K. B. Nandeesh. Hence, the impleading applicant is also necessary party to the above suit. Hence, this I.A.

3. The I.A., copy was served to the other side. The plaintiff has filed detailed statement of objection and resisted I.A., filed by the impleading applicant and interalia contended that, the application filed by the impleading applicant is not maintainable either in Law or on facts. During the lifetime of father-in-law of the plaintiff, the impleading applicant will also get share in the



property and that share will be devolved around the impleading applicant and as such when the father-in-law is alive, who is the defendant No.1 herein, the impleading applicant cannot make any claim in the suit filed by the plaintiff and in the schedule properties. It is only at the time when the defendant No.1 dies, the impleading applicant will get right to come on record. Hence, the application is not maintainable. For all these grounds the plaintiff prays to reject the I.A., filed by the proposed defendant No.2 to 5 with exemplary cost.

4. Heard the arguments of both sides.

5. On perusal of the rival contentions and other materials placed on record, the following points arise for my consideration.

1. Whether the impleading applicant has made out sufficient grounds to allow the I.A.No.9?

2. What order?

6. My findings for the above points are as follows.

Point No.1: In the Affirmative,

Point No.2: As per final order.

For the following,

**REASONS**

7. **POINT NO.1:-** Admittedly, the plaintiff has filed this suit against the defendants for the relief of partition and separate possession in respect of suit schedule properties. When the matter set down for arguments, at this stage the impleading applicant has filed the instant I.A., and prays to implead her as proposed defendant No.4 in this suit. It is the urge of the impleading applicant that, the husband of the plaintiff is non other than the son of the impleading applicant. The son of the impleading applicant and husband of the plaintiff herein was died on 14.08.2007 intestate leaving behind impleading applicant and plaintiff herein as his Class-I legal heirs. Hence, the impleading applicant and plaintiff have succeeded the estate of deceased K. B. Nandeesh.

8. On the other hand, the plaintiff contended that, During the lifetime of father-in-law of the plaintiff, the impleading applicant will also get share in the property and that share will be devolved around the impleading applicant and as such when the father-in-law is alive, who is the defendant No.1 herein, the



impleading applicant cannot make any claim in the suit filed by the plaintiff and in the schedule properties. It is only at the time when the defendant No.1 dies, the impleading applicant will get right to come on record.

9. On perusal of the materials placed on record admittedly, it is a suit for partition and separate possession. It is undisputed fact that, the impleading applicant is the mother of the husband of the plaintiff. The husband of the plaintiff and the son of impleading applicant was died intestate. The impleading applicant is also comes under the purview of the Class-I legal heir of the deceased K. B. Nandeesh. As per Section 8 of the Hindu Succession Act, the property of a male Hindu died intestate, all his Class-I legal heirs are entitled for equal share. At this stage, the rights of the parties cannot be adjudicated. The impleading applicant is also necessary party to the suit. In the absence of the impleading applicant, the matter cannot be adjudicated effectively. For considering all these reasons, this court answer the Point No.1 in the Affirmative.



10. **POINT NO.2:** In view of reasons on point No.1, I proceed to pass the following,

ORDER

IA No.9 filed by the impleading applicant is hereby allowed.

The impleading applicant is hereby permitted to come on record as defendant No.4 in the above suit.

The plaintiff is hereby directed to carry out the necessary amendment in plaint and to furnish the amended plaint copy.

For compliance of Court Order by 25.11.2025.

(Dictated to the Typist, transcribed & typed by her, corrected by me and then pronounced in the open court on this the **14th day of NOVEMBER, 2025.**)

(Shivakumar R.)

**Addl. Sr. Civil Judge & JMFC.,
Magadi.**