



**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 17<sup>th</sup> DAY OF FEBRUARY, 2026**

**O.S. No.82/2025**

**PLAINTIFF** : Sri. Shivarudraiah

**(By Sri. T.P. Advocate)**

**V/s**

**DEFENDANTS** : Sri. M. Basavarajaiah

**(By Sri. M.N.M. Advocate)**

**ORDER ON I.A.No.2**

**APPLICANTS** :

1. Sri. Chikkabasavaiah,  
S/o. Late. Chikkabasavaiah,  
Aged about 65 years,
2. Sri. Chikkabhadraiah,  
S/o. Late. Chikkabasavaiah,  
Aged about 62 years,
3. Sri. Maribasavaiah,  
S/o. Late. Chikkabasavaiah,  
Aged about 53 years,
4. Sri. Chikkabasavaiah,



S/o. Late. Basappa,  
Aged about 66 years,

5. Sri. Shivarudraiah,  
S/o. Late. Basappa,  
Aged about 63 years,
6. Sri. Shivanna,  
S/o. Late. Basappa,  
Aged about 61 years,
7. Sri. Chikkabasavaiah,  
S/o. Late. Basappa,  
Aged about 48 years,
8. Sri. Basavaraju,  
S/o. Late. Channabasavaiah,  
Aged about 60 years,

All are R/at:  
Uduvegere Village,  
Kasaba Hobli,  
Magadi Taluk,  
Ramanagara District.

**V/s**

**OPPONENT** : Sri. Shivarudraiah

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The impleading applicants have filed this I.A., U/O.I Rule 10(2) r/w. Sec.151 of C.P.C., with a prayer be pleased to implead them as proposed defendant No.2 to 9 in the above matter.



2. The I.A., supported with the affidavit of the applicant No.3. It is stated in the affidavit that, the impleading applicants are the absolute owners in possession and enjoyment of the suit schedule property and the same is their ancestral property. Originally the suit schedule property was granted in the name of their grandfather by name Maribasavaiah S/o. Basavegowda. All the revenue records pertaining to the suit schedule property was stands in the name of Maribasavaiah, later the plaintiff and defendant colluding with the revenue officials and got deleted the name of the grandfather of the applicants in the revenue records in respect of suit schedule property. Now the plaintiff and defendants by colluding with each other and got filed this suit and making hasty arrangement to compromise the matter, in this regard the plaintiff and defendants have already filed the compromise petition by including their property without making them as parties to this suit. Hence, this I.A.

3. The copy of the I.A., was served to the other side. The plaintiff has filed the detailed statement objections and resisted the I.A., filed by the impleading applicants. The plaintiff in his



statement of objection he has denied the entire averments made in the supportive affidavit and interalia contended that, the suit schedule property is the ancestral and joint family property of plaintiff and defendants, the impleading applicants are not belongs to the family of the plaintiff and defendants. The impleading applicants have filed this I.A., only with an intention to knock of the property, which belongs to plaintiff and defendants. The grand-father of the plaintiff and defendant namely Mahanthaiah was purchased the suit schedule property by virtue of the registered Sale Deed dated: 25.12.1974. For all these grounds, the plaintiff prayed to reject the aforesaid I.A.,

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 I.A.No.2 filed by the applicants is deserves to be allowed?

2. What order?

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

Point No.1: In the Negative,

Point No.2: As per final order.



For the following,

**REASONS**

7. **POINT NO.1:-** It is the urge of the impleading applicants that, they are the absolute owners and in enjoyment of the suit schedule property. Originally the suit schedule property was acquired by the grand-father of the impleading applicants namely Maribasavaiah S/o. Basavegowda through Government grant. In pursuance of the government grant, the khata of the suit schedule property was mutated in the name of Maribasavaiah. When such being the case, the plaintiff and defendant have colluded with the revenue officials and got deleted the name of the grand-father of the applicants in respect of suit schedule property. The plaintiff has filed this suit against the defendant to knock off the property belongs to applicants' family.

8. On the other hand, the plaintiff contended that, the impleading applicants are strangers to the plaintiff and defendant family. The suit schedule property is the ancestral and joint family property of plaintiff and defendant. The impleading applicants



have filed this I.A., only with an intention to knock off the property which is absolutely belongs to plaintiff and defendant's family.

9. On perusal of the materials placed on record, admittedly it is a suit for partition and separate possession in respect of suit schedule property. The impleading applicants have filed this I.A., to implead them as a defendant No.2 to 9 in the above matter on the ground that, they are the absolute owners and in possession and enjoyment of the suit schedule property and further urge of the impleading applicants that, the plaintiff and defendant have colluded with the revenue officials and got deleted the name of the grand-father of the impleading applicants in the revenue records in respect of suit schedule property. Admittedly, it is a suit for partition, if really the impleading applicants have right over the suit schedule property, they may file the necessary suit for the proper relief before the competent court of Law in respect of suit schedule property, but not in this present suit on hand, it means the remedy is elsewhere of the impleading applicants. The impleading applicants are not the proper and necessary parties to the present case on hand. In the absence of the impleading applicants, the



above matter can be adjudicated effectively. Under these facts and circumstances, the I.A., filed by the impleading applicants is devoid of merits. For considering all these reasons, this court answer the Point No.1 in the Negative.

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

**ORDER**

IA No.2 filed by the impleading applicants is hereby rejected on payment of cost of Rs.500/-.

(Dictated to the Typist, transcribed & typed by her, corrected by me and then pronounced in the open court on this the **17<sup>th</sup> day of FEBRUARY, 2026.**)

**(Shivakumar R.)**

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