



**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 5th DAY OF February, 2026
O.S. No.132/2021

Plaintiff :- Sri. M. G. Chandrashekar,

(By **Sri. M.S.N.** Advocate)
--V/s--

Defendants :- Smt. Mangalamma & Ors.,

(D2 & 5 by **Sri. N.N.** Advocate)
(D3 & 4 by **Sri. B.E.R.** Advocate)
(D6 to 9 by **Sri. B.E.R.** Advocate)

ORDERS ON IA NO.4

**APPLICANT/
PROPOSED
DEFENDANT** : Sri. M. G. Jayanna,
S/o. Late. Gangappa,
Aged about 75 years,
R/at: Motagondanahalli Village,
Solur Hobli, Magadi Taluk,
Magadi.

V/s

OPPONENTS : Sri. M. G. Chandrashekar,



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 him as proposed additional defendant 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 for the relief of partition and other reliefs. The plaintiff has stated in para number two of the plaint that the son of Chawdi Gangappa Alias Gangappa through his first wife Mruthyunjaya @ Jayanna has executed a registered release deed in favour of his deceased father dated 27/5/1963, hence, he is not made as party to the above suit, but the proposed defendant has not executed any release deed as stated by the plaintiff in the plaint, moreover the proposed defendant was never called by name Mruthyunjaya, his proper and only name is Jayanna M. G. The alleged document dated 27/5/1963 has been executed by one Mruthyunjaya, but the proposed defendant is not the executant Mruthyunjaya, one who has executed the release deed dated 27/5/1963, the proposed defendant is in joint possession and enjoyment of the suit schedule properties along with the plaintiff and defendants, the plaintiff and



defendants are the sons of Chawdi Gangappa Alias Gangappa through his second wife. The proposed defendant also a co-sharer of the suit schedule properties having legitimate right of share, the proposed defendant is a proper and necessary party to the above suit, without him the above suit could not be properly adjudicated. 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 the I.A., filed by the impleading applicant and interalia contended that, the original name of the applicant is Mruthyunjaya but generally called as Jayanna, the said Murthyunjay @ jayanna is not having a any right of share in the suit schedule properties, he was release from the joint family and he was executed registered release deed by taking a money from his father towards his share instead of property. The said applicant by name Mruthyunjaya @ Jayanna was executed registered release deed in favour of Gangappa @ Chowdigangappa on 27-05-1963, vide register No. 9/1963-64 Book No.1, valume No.17, page No.182 in Sub-Registrar office Magadi. The applicant after execution of register release deed he was not



having any right, title, and not having any share in respect of joint family properties belongs to plaintiff and defendants, the applicant is loses his right of his share in the suit schedule properties at the time of execution of the release deed dated 27-05-1963. For all these grounds the plaintiff prays to reject the I.A., filed by the proposed defendant 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.4?

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:-** It is the urge of the impleading applicant that, the plaintiff has stated in para No.2 of the plaint that, son of Chawdi Gangappa Alias Gangappa through his first wife



Mruthyunjaya @ Jayanna has executed a registered release deed in favour of his deceased father dated 27/5/1963, hence, he is not made as party to the above suit, but the proposed defendant has not executed any release deed as stated by the plaintiff in the plaint, moreover the proposed defendant was never called by name Mruthyunjaya, his proper and only name is Jayanna M. G. The alleged document dated 27/5/1963 has been executed by one Mruthyunjaya, but the proposed defendant is not the executant Mruthyunjaya, one who has executed the release deed dated 27/5/1963, the proposed defendant is in joint possession and enjoyment of the suit schedule properties along with the plaintiff and defendants, the plaintiff and defendants are the sons of Chawdi Gangappa Alias Gangappa through his second wife. The proposed defendant also a co-sharer of the suit schedule properties having legitimate right of share, the proposed defendant is a proper and necessary party to the above suit, without him the above suit could not be properly adjudicated.

8. On the other hand, the plaintiff contended that, the original name of the applicant is Mruthyunjaya but generally called



as Jayanna, the said Murthyunjay @ jayanna is not having a any right of share in the suit schedule properties, he was release from the joint family and he was executed registered release deed by taking a money from his father towards his share instead of property. The said applicant by name Mruthyunjaya @ Jayanna was executed registered release deed in favour of Gangappa @ Chowdigangappa on 27-05-1963, vide register No. 9/1963-64 Book No.1, valume No.17, page No.182 in Sub-Registrar office Magadi. The applicant after execution of register release deed he was not having any right, title, and not having any share in respect of joint family properties belongs to plaintiff and defendants, the applicant is loses his right of his share in the suit schedule properties at the time of execution of the release deed dated 27-05-1963.

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 also son of Chawdi Gangappa @ Gangappa through his first wife. The main contention of the impleading applicant that, he has not executed the alleged Relinquishment Deed dated: 27.05.1963 and he is one of the co-



sharer and he is also entitled for share in the suit schedule properties. On the other hand, the plaintiff has contended that, the impleading applicant has executed the registered Relinquishment Deed dated: 27.05.1963. Hence, he loses the right over the suit schedule property. At this stage, the rights of the parties cannot be adjudicated, it needs full fledged trial. The impleading applicant is also necessary party to the suit. In the absence of the impleading applicant, the above 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.4 filed by the impleading applicant is hereby allowed.

The impleading applicant is hereby permitted to come on record as defendant No.11 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 26.02.2026.

(Dictated to the Typist, transcribed & typed by her, corrected by me and then pronounced in the open court on this the **5th day of FEBRUARY, 2026.**)

(Shivakumar R.)

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