

KARN410004192015



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

**Present:**

**Sri. Sandeep S. Reddy, B.A., LL.B.,**  
Addl. Sr. Civil Judge & JMFC., Magadi.

**DATED: THIS THE 28<sup>th</sup> DAY OF MARCH, 2024**

**O.S.No.220/2015**

- Plaintiffs** : 1. Smt. Shobha N.,  
D/o. K. N. Narayanappa,  
Aged about 38 years,
2. Pushpa N.,  
W/o. Manju,  
Aged about 36 years,  
R/at. # 3006, 8<sup>th</sup> Main,  
Near Kempegowda School,  
Vrushabhavathinagara,  
Sannakki Bhavi,  
Kamkashipalya.
3. Smt. Poornima,  
W/o. Shivashankar,  
Aged about 34 years,  
R/at: #89/A, Jogipalya,  
Modalakote Post,  
Nelamangala Taluk,  
Bangalore Rural District.
4. Sri. Lohith N.,  
S/o. K. N. Narayanappa,  
Aged about 32 years,
- P1 & 4 are R/at: #9/1,

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Jai Hanuman Nilaya,  
12<sup>th</sup> Cross, 2<sup>nd</sup> Main, Lachappa  
Colony, B. K. Nagar,  
Yashawanthapura, Bangalore.

(By Sri. **R.C.K.**, Advocate)

---V/s---

- Defendants** :
1. Smt. Mallamma,  
W/o. Late. Narasimhaiah,  
Since dead (No L.Rs.,)
  2. Smt. Chikkamma,  
W/o. Late. Narasimhaiah,  
Since dead (No L.Rs.,)
  3. Sri. Narasappa K. N.,  
S/o. Late. Narasimhaiah,  
Aged about 65 years,
  4. Sri. Narayanappa K. N.,  
S/o. Late. Narasimhaiah,  
Aged about 63 years,  
R/at: #3B, 794,  
Samrudhi Nilaya, 1<sup>st</sup> Floor,  
B/W. 5<sup>th</sup> and 6<sup>th</sup> Cross,  
Maramma Temple Road,  
Munikondappa Layout,  
Bagalagunte, Bangalore – 560073.
  5. Smt. Hanumakka,  
D/o. Late. Narasimhaiah,  
Aged about 61 years,

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6. Smt. Nanjamma,  
D/o. Late. Narasimhaiah,  
Aged about 59 years,

7. Raja K. N.,  
S/o. Late. Narasimhaiah,  
Aged about 57 years,

8. Smt. Savithramma,  
D/o. Late. Narasimhaiah,  
Aged about 56 years,

9. Sri. Lakshmi pathi K. N.,  
S/o. Late. Narasimhaiah,

10. Smt. Bhagyamma,  
D/o. Late. Narasimhaiah,  
Aged about 53 years,

D3, 5 to 10 are R/at:  
Kudlooru Village,  
Solur Hobli, Magadi Taluk,  
Ramanagara District.

11. Sri. Nagaraju K. N.,  
S/o. Late. Narasimhaiah,  
Aged about 50 years,  
R/at: #B30, BEL Colony,  
Jalahalli, Bangalore – 560013.

(D1 & 2 are Dead)

(D3, 5, 6, 8 & 10 are place **exparte**)

(D4, 7, 9 & 11 by Sri. **A.S.S.**, Advocate)

(D3(a), P.D12 to D20 **Absent**)

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**ORDER ON IA NO.16 U/O.I R.10(2) of C.P.C.,**

The aforesaid the application is filed by the plaintiff praying for permitting him to add proposed defendant No.12 to 20 as additional defendants in the aforesaid suit.

2. The aforesaid suit is for partition and separate possession and consequential reliefs.

3. The plaintiff has stated in the accompanying affidavit that, Sri. Narasimhaiah was the kartha of the family and he was having two wives namely Mallamma and Chikkamma and that they are arrayed as defendant No.1 & 2. That, his grand-father Sri. Narasimhaiah was having 10 children, out to whom Smt. Lakshamma had passed away prior to the year 2006. That, Smt. Lakshamma's legal heirs were not made parties to the aforesaid suit by the plaintiff and he is seeking for permitting him to bring them on record. Hence, has prayed for the relief as afore-stated.

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4. That the notice was sent to the proposed defendants and despite the service of the notice the proposed defendants have not appeared before the Court and have not filed the objections. The defendant No.12 to 20 have submitted no objections and hence the proposed defendants have not filed objections.

5. Heard learned advocate for plaintiff.

6. Considering the contentions of the parties, following points arise for my consideration.

1. Whether the plaintiff has made out a case to add proposed defendants No.12 to 20 as additional defendants in the aforesaid suit?
2. What order?

7. My findings for the above points are as under.

Point No.1	:	In the Affirmative
Point No.2	:	As per final order For the following,

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**REASONS**

8. **Point No.1**:- The proposed defendants are the children of Smt. Lakshamma. Late. Smt. Lakshamma is the daughter of Sri. Narasimhaiah who is the propositus of the joint family.

9. It is apparent from the amendment to Sec.6 of the Hindu Succession Act that, Smt. Lakshamma is also entitled for the share as a coparcener in the joint family. Hence, she is a necessary party to the aforesaid suit.

10. The proposed defendants have not filed their objections. The rest of the defendants have not objected to the aforesaid application. There is no reason as to why the said application should not be allowed. Hence, I answer point No.1 in the affirmative.

11. **Point No.2**:- In view of reasons on point no.1, and in the interest of Justice and equity, I proceed to pass the following,

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**ORDER**

**IA No.16 filed U/o. I Rule 10 (2) R/w. Sec.151 of CPC by the plaintiffs praying to add the proposed defendant No.12 to 20 as defendants in the aforesaid suit is hereby allowed and they are hereby arrayed as defendant No.12 to 20.**

**The plaintiff is hereby directed to carryout amendment to the plaint and for amended plaint by 18.04.2024.**

**The parties to bear their respective costs.**

(Dictated to the Typist directly on the computer, typed by her, corrected by me and then pronounced in the open court on this the **28<sup>th</sup> day of March, 2024.**)

**(Sandeep S. Reddy)  
Addl. Sr. Civil Judge & JMFC.,  
Magadi.**