

KATK300019812019



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC., AT GUBBI.**

Dated this the 24th Day of January 2022.

**Present: Undi Manjula Shivappa,
B.Sc.LLM.,
Senior Civil Judge.**

O.S.175/2019

Plaintiffs: K.N. Narasimhamurthy & another

V/s

Defendants: Swami and Others

I.A.No.II/2020

- Applicants:**
1. Rajanna S/o late Kariyanna, 55 years,
 2. Gurusiddaiah S/o late Kariyanna,
45 years,
 3. Narasimhamurthy S/o late Siddaiah,
46 years.
 4. Lakshmaiah S/o late Siddaiah, 68 years,



All are r/o Kodinagenahalli, Nittur Hobli,
Gubbi Taluk.

V/s

Opponents: K.N. Narasimhamurthy and another

ORDER

The applicant No.3 has filed the I.A. No.II under Order 1 Rule 10(2) of CPC., seeking to implead the applicants as additional defendants No.13 to 16 for proper and effective adjudication of the matter.

2. In the affidavit the applicant No.3 has stated that, the plaintiffs filed this suit for seeking relief of partition and separate possession and this is a collusive suit in between the plaintiffs and defendants and the suit schedule properties are the Talawarike Inam lands of his great grandfather. The father and grandfather were not divided or partitioned in the suit



schedule properties which are inam lands and he is having right, title, interest and possession over the suit schedule properties and defendants behind the back of applicants colluded with plaintiffs are attempting to get compromise the decree and hence prayed to allow the application.

3. On the other hand, the plaintiffs have filed objection to the said application by contending that application is not maintainable and impleading applicants are not necessary parties to the instant suit and applicants are utter strangers to the suit schedule properties are unconcerned persons to the instant suit and no hardship and prejudice will caused to the other side, if the application is dismissed and hence prayed to dismiss the application with cost.

4. I have heard on I.A., and perused record.



5. The following points arise for my consideration:

- 1) Whether the application filed under Order 1 Rule 10(2) of CPC., by the applicants is deserves to be allowed?
- 2) What order?

6. My answers to 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:** This is the I.A. No.II filed by the applicant Narasimhamurthy S/o late Siddaiah the proposed defendant seeking to implead the applicants as additional defendants No.13 to 16, but in the affidavit the name of the applicant's father is mentioned as Narasimhamurthy S/o late Boraiah and he also filed affidavit in support of I.A. and submitted that the plaintiffs have filed the present suit seeking the relief of



partition and separate possession and this is a collusive suit in between the plaintiffs and defendants. The suit schedule properties are the Talawarike Inam lands of his great grandfather and his father and grandfather were not divided or partitioned in the suit schedule properties which are the Inam lands. He having right, title, interest and possession over the suit schedule properties. If they are not impleaded they will suffer irreparable loss.

8. On the other hand, the plaintiffs strongly opposed the said application by way of filing the written objection, as these proposed defendants are not proper and necessary parties to the instant suit. They are the unconcerned persons to this suit. The applicant in order to show that they are necessary parties have produced one G-Tree. I have perused the G-Tree which was not issued by the proper authority i.e., Deputy



Tahasildar. This is the self prepared G-Tree and he has also produced RTCs'. These documents are not sufficient to consider that these proposed defendants are the necessary parties to the present suit. Hence I, answer Point No.1 in the Negative.

9. **POINT No.2:** For the aforesaid reasons and findings on Point No.1, I proceed to pass the following:-

ORDER

The application filed under Order 1 Rule 10(2) of CPC., by the proposed defendants No.13 to 16 is hereby dismissed with cost of Rs.500/-.

(On my dictation transcribed and typed by the Stenographer, print out taken by her, corrected and then pronounced by me in the Open Court on this the 24th Day of January 2022.)

(UNDI MANJULA SHIVAPPA)
Senior Civil Judge & JMFC.,
Gubbi.