



**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE & JMFC,
GUBBI.**

PRESENT

SMT. POORNIMA K. YADAV, B.A. LL.B., LL.M.,

Addl. Sr. Civil Judge & JMFC, Gubbi.

Dated on this the 14th day of October, 2025

ORIGINAL SUIT NO.198/2025

- Plaintiffs :**
- 1.** Roslin Nalina
D/o Late Devarajappa,
W/o late Fedrik Rajarathnam
Aged about 73 years,
 - 2.** Stalin Fedrik
S/o late Fedrik Rajarathnam,
Aged about 70 years,
 - 3.** Syamson Fedrik,
S/ o Late Fedrik Rajarathnam
Aged about 68 years,

All are R/o No.1773,
Adharsha Convent Road,
Near Javenahalli Mutt,
North Extension, Hassan.
 - 4.** Santhosh Devaraju,
S/o late Shantharaju,
Aged about 60 years,
R/o No.294, 2nd Cross,
Near Water Tank,
Banashankari III-Phase,
Hosakerehalli, Bengaluru.

(By Sri. H.B.,Advocate)

V/s

**Defendants:**

1. Babitha Sudev,
D/o late Sudevarathna.D,
Aged about 62 years,
2. Shreyas B. Asharya,
S/o late Sudevarathna.D
Aged about 18 years,

Both are R/o No.9,
2nd Cross, Dobbestale,
Vasantanagar, Bengaluru North.

3. Nalina Devanand,
D/o late Devarajappa,
Aged 69 years
R/o No.701, A2 Wing,
Thungabhadra Block,
National Games village,
Koramangala, Vivek Nagar,
Bengaluru South.

(D1 by Sri. T.B.S. Adv.,))

(D3 by Sri K.G. Adv.,)

(D4-5 by Sri B.R.S. Adv.,)

PARTIES TO I.A.NO.II**Applicant**

- : 1. Edmond John,
S/o Freddy John,
Aged about 61 years,
R/at No. 16, 2nd Cross,
Basaveshwara Layout,
BEMEL Layout,
3rd Stage,
Rajarajeshwarinagar,
Bangalore South



2. Shalini Ramesh Kamath
Alias Sherly,
W/o Ramesh Kamath,
Aged about 64 years,
R/at B-2,
Samhitha Ritz Apartments,
Varthur Road,
Nagavara Paly,
C.V. Raman Nagar,
Bengaluru North.

(Proposed defendant No.4 & 5)

Vs.

Opponents : Roslin Nalina & Ors.
(Plaintiff)

Provision under the Application	Under Order 1 Rule 10(2) R/w Section 151 of CPC
Application Relief sought for	To implead the proposed defendants No.4 and 5
The date of the application is filed	24.07.2025
Interlocutory Application Number	II
Date of objection filed by the defendants	02.09.2025
Date of orders passed	14.10.2025

Sd/-

(Poornima K. Yadav)

**Addl. Sr. Civil Judge and JMFC,
Gubbi.**



: ORDERS ON I.A.NO.II:

After filing of the suit, when the matter was pending for securing the presence of defendant No. 1 to 3, the present application came to be filed.

2. The applicants through their counsel filed this application Under Order 1 Rule 10 (2) of CPC seeking to implead themselves as defendant No. 4 and 5.
3. The application is accompanied with the affidavit of the applicant No.1, wherein it is stated that, the plaintiffs have filed this suit seeking relief of partition and separate possession over the suit schedule property without impleading the applicants. The applicant No. 1 and 2 are the children of Smt. Dinamani and the said Smt. Dinamani is the daughter of Devarajappa. The applicants are also having legitimate share in the suit schedule property. Hence, sought to allow the application.
4. On the other hand the plaintiffs through their counsel



filed objection and contended that the application is not maintainable and it is liable to be rejected. It is contended that the mother of the applicants is not the member of joint family of the plaintiff and the defendant and the applicants are asserting their independent title and interest over the suit schedule property which has to be adjudicated in a separate suit. The presence of applicants is not necessary for effective adjudication of this suit. Further, the applicants have not produced any document to show their relationship. Hence, sought to reject the application.

5. Heard both the counsel.
6. Upon hearing and based upon materials available on record, the point that arise for my consideration is:

Whether the applicants are
necessary parties for adjudication of
the matter in dispute ?

7. My finding to the above point is in the **“Affirmative”** for the following :



REASONS

- 8.** The materials on record discloses that the plaintiffs filed this suit seeking relief of partition and separate possession of their 1/4th share in the suit schedule property through deceased Devarajappa.
- 9.** The applicants are before the court stating that they are the children of Smt. Danimani and the said Danimani is the daughter of the said Devarajappa.
- 10.** On perusal of the materials available on record, it is seen that the plaintiffs have not produced G-Tree to substantiate the plaint averments regarding the relationship as pleaded in Paragraph No.2 of the plaint. On the other hand the applicants through their counsel produced G-Tree which shows that the mother of the applicants is the daughter of R. Devarajappa. No doubt the said relationship has to be decided only during trial.
- 11.** At this juncture when the applicants are before the court stating that they are the grandchildren of the said



Devarajappa, their presence becomes necessary for effective adjudication of the matter in dispute. In the absence of the applicants, there cannot be final adjudication of the matter in dispute. Accordingly, I proceed to pass the following :

ORDER

I.A. No. II filed by the applicant under Order 1 Rule 10 (2) R/W Section 151 of CPC is hereby allowed.

The applicants are impleaded as Defendants No. 4 and 5.

Parties to bear their own costs.

(Directly dictated to the stenographer on the computer, printed through steno, corrected by me and then pronounced in the open court on this the **14th day of October, 2025**)

Sd/-

**(POORNIMA. K. YADAV)
Addl. Sr. Civil Judge & JMFC,
Gubbi.**