



**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 24th day of June, 2025

ORIGINAL SUIT NO.238/2023

Plaintiff : 1. Jayamma
W/o Late Narasegowda,
Aged about 49 years,

2. Pranay N
S/o Late Narasegowda,
Aged about 27 years,

Both are R/o No. 19,
1st Cross, 1st Main,
Byraveshwara Nagara,
Laggere, Peenya 1st Stage,
Bangalore.

(By Sri. M.D.S. Advocate)

V/s

Defendants: 1. Sujatha
D/o Late Narasegowda,
W/o Bhadraiah,
Aged about 46 years,

2. Karthik B
S/o Bhadraiah,
Aged about 29 years,

Both are R/at Lingamma Halli Palya,
(K.G. Temple) Kadaba Hobli,
Gubbi Taluk,
Tumakuru District.



3. Gangamma
W/o Mudalagiraiah,
Aged about 67 years,
R/at Thimmegowdana Palya,
Hebbur Hobli,
Tumakuru District.

4. A. Govindaraju
S/o Andanaiah,
Aged about 58 years,
R/at S. Kodagihalli Palya,
Kasaba Hobli, Gubbi Taluk.

**(D1 & 2 by Sri B.R.S Advocate)
(D3 Exparte)**

PARTIES TO I.A.NO.VI

Applicant : Pranay N
(Plaintiff No.2)

Vs.

Opponents : Rathnamma
w/o Late Chandrashekar,
Aged about 45 years,
R/at Nagasandra, Kasaba Hobli,
Gubbi Taluk, Tumakuru District.
(Proposed Defendant No.5)

Provision under the Application	Under Order 1 Rule 10 of CPC
Application Relief sought for	To implead the proposed respondent as respondent No.5
The date of the application is filed Interlocutory Application Number	14.03.2025
Interlocutory Application Number	VI



Date of objection filed by the Respondent	Not filed
Date of order passed	24.06.2025

Sd/-
(POORNIMA K. YADAV)
Addl. Senior Civil Judge &
JMFC, Gubbi.

: ORDERS ON I.A.NO.IV:

When the matter was pending for further cross-examination of PW2, the present application came to be filed.

2. The plaintiffs through their counsel filed this application U/O 1 Rule 10 (2) of CPC seeking to implead proposed defendant.
3. The application is accompanied with the affidavit of the of the plaintiff No.2, wherein it is stated that, the defendant No.3 purchased land bearing Sy. No. 130/10 to an extent of 02.04 guntas situated at Nagasandra Village, Kasaba hobli, Gubbi Taluk and same is gifted to the proposed defendant on 02.11.2022. As such, the



proposed defendant is necessary party in this suit.

Hence, sought to allow the application.

4. After filing of the application, notice was issued to the proposed defendant. In spite of duly service of notice, the proposed defendant did not appear. Hence, she was placed absent.

5. Heard counsel for plaintiffs.

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

Whether the proposed defendant is necessary party for adjudication of the matter in dispute ?

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

REASONS

8. Admittedly, this suit is filed seeking relief of partition and separate possession of plaintiffs legitimate share in the suit schedule properties.



- 9.** The plaintiff came up with the present application seeking to implead the proposed defendant as the donee of portion of Item No.1 of the suit schedule property from the defendant No.3 as the donor the basis of Gift Deed dated 02.11.2022.
- 10.** As the transaction of Gift made by the defendant No.3 is in favour of the proposed defendant which is pertaining to one of the suit schedule property, the presence of proposed defendant is necessary for adjudication of the matter in dispute pertaining to the said property and the Gift deed dated 02.11.2022. The present suit is filed on 12.10.2023. This shows that even though the transaction of Gift was prior to filing of the suit, the proposed defendant was not made as party to the suit at the time of filing of the suit. The present application is filed on 14.03.2025. As such, the delay in filing the application is compensated by imposing cost. Accordingly, I proceed to pass the following :



ORDER

***I.A. No. VI filed by the
plaintiffs under Order 1 Rule 10
R/W Section 151 of CPC is
hereby allowed and cost of Rs.
500/- to be paid to TLSC, Gubbi.***

***Proposed defendant is
impleaded as defendant No.5.***

Sd/-

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