



IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC.,
KUNIGAL

Present:

Sri. Manjunath Shivapooji, B.A., L.L.B.,

Addl Civil Judge & JMFC., Kunigal.

Dated: 19th day of July, 2025

O.S.NO. 154/2017

Plaintiff : T.R.Shivalingaiah

V/s

Defendants : Siddappa and others

I.A

Applicant : K.Karthik Darshan

V/s

Opponents : Siddappa and others

ORDERS ON APPLICATION FILED BY THE APPLICANT
UNDER ORDER I RULE 10 OF CPC

On perusal of plaint, it appears that plaintiff has filed this suit for the relief of declaration and permanent injunction against the defendants with respect to suit property.



2. The applicant filed IA U/O 1 Rule 10 of CPC to implead himself as plaintiff No.2 in this suit. The proposed applicant has contended that, the original plaintiff has sold the suit property in favour of one Rajamma under sale deed dated:31.07.2018. The said Rajamma has executed Gift deed dated:21.03.2020 in favour of Jayalakshmi. Further, the said Jayalakshamma has executed Gift deed dated: 20.04.2021 in favour of applicant during the pendency of suit. Hence, the proposed plaintiff is also the necessary party to this suit. If he has impleaded as plaintiff No.2 no harm will be caused to other side. Hence, prayed to allow the application.

3. On the other hand, the plaintiff and defendants have not filed any objections.

4. Heard arguments.

5. On basis of the application and documents on record,



the following points that arise for the determination of this court.

1. Whether the application deserves to be allowed?

2. What order?

6. My findings on the above points are as under:

Point No.1 : In the *Affirmative*

Point No.2 : As per final order for the following:

REASONS

7. Point No.1 : The plaintiff has filed the present suit for the reliefs of declaration and permanent injunction with respect to the suit schedule property against the defendants.

8. This court has perused the documents produced by applicant. On perusal of those documents and affidavit of applicant, this court has come to the conclusion that, the proposed plaintiff is necessary party to the suit.



9. Therefore, this court is of the opinion that to decide the matter fully and finally the IA filed U/O 1 Rule 10 CPC is deserves to be allowed. In the absence of proposed plaintiff, suit cannot be decided. If the application is allowed and the proposed plaintiff is brought on record as plaintiff No.2, no harm will be caused to the defendants. Hence, to avoid the multiplicity of the proceedings, this court inclined to allow the IA U/O 1 Rule 10 CPC in the interest of justice and equity. Accordingly, point No.1 is answered in the **Affirmative**.

10. **Point No.2:** For the above discussed reasons, this court proceeds to pass the following;

ORDER

IA filed U/O 1 R 10 of CPC is
hereby allowed.



The applicant is permitted to
amend the cause title and to furnish
amended plaint by 04.08.2025.

Sd/-

[Shri.Manjunath Shivapooji]
Addl Civil Judge and JMFC,
Kunigal.