



**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE
AND J.M.F.C, AT MADHUGIRI,**

Dated 6th Day of January, 2025

Present :

SMT. PRAMEELA M *B.Com., L.L.B.,*
C/c. Addl. Senior Civil Judge & JMFC, Madhugiri.

O.S.No.02/2019

Plaintiff

: Bojaraju,
S/o Doddapapaiah,
Aged about 43 years,
Residing at
Duggenahalli village,
Holavanahalli Hobli,
Koratagere Taluk,
Tumakuru District.

(Sri.A.V.M., Advocate)

V/s

Defendants

- 1 Jayaramaiah,
S/o Late Kempanna,
Aged about 64 years,
R/at Beside Hemavathi
Quarters,
K.R. Pete post,
Mandya District.
- 2 Nagaraju,
S/o Late Kempanna,
Aged about 61 years,
- 3 B.K. Jayamma,
D/o Late Kempanna,
Aged about 67 years,



Defendants No.2 and 3 are
R/at Muslim block,
Opposite to police station
K.R. Pete Taluk,
Mandya District

- 4 B.K. Kempachowdamma,
@ Sarojamma,
D/o Late Kempanna,
Aged about 72 years,
R/at # 13/1, 6th cross,
Gayathri Nagara,
Beside Malleshwaram
Railway station,
Malleshwaram,
Bengaluru,
- 5 Parvathamma,
W/o Late M.P.Venktramanappa,
Aged about 68 years,
- 6 M.V. Srinivasa Murthy,
S/o Late M.P.Venktramanappa,
Aged about 38 years,
- 7 M.V. Suresh,
S/o Late M.P.Venktramanappa,
Aged about 36 years,
- 8 Giryamma,
W/o Late M.P.Venktramanappa,
Aged about 63 years,
Defendants No. 5 to 8 are
residing at
Thotada mane,
Beside new ring road,
Gowribidanur road,
Madhugiri Taluk, Tumakuru
district,
- 9 Shivakumar B.D.,
S/o Late Doddapapaiah,



Aged about 51 years,

- 10 Raj kumar B.D.,
S/o Late Doddapapaiah,
Aged about 49 years,
Defendants No.9 and 10
are residing at
Duggenahalli village,
Holavanahalli Hobli,
Koratagere Taluk,
Tumakuru District
- 11 Shashikumar B.D.
S/o Late Doddapapaiah,
Aged about 47 years,
R/at Basaveshwara Nagara,
Holavanahalli,
Holavanahalli post and Hobli,
Koratagere Taluk,
Tumakuru District,
- 12 Ramareddy,
S/o Late Doddapapaiah,
Aged about 43 years,
- 13 Sathish B.D.
S/o Late Doddapapaiah,
Aged about 41 years,
Defendants No.12 and 13
are residing at Duggenahalli
village,
Holavanahalli Hobli,
Koratagere Taluk,
Tumakuru District
- 14 Geethamma D.,
W/o Ravikumar,
D/o Late Doddapapaiah,
Aged about 39 years,
R/at Goruru village and post,



Soluru Hobli,
Magadi Taluk,
Ramanagara District.
**(D1 to D4-Exparte,
Sri. MNB., Advocate for D5,
Sri. DVS, Advocate for D6 to D8,
Sri. SRK, Advocate for D1(a) & (b),
Sri.MNB., Advocate for Proposed D15
and 16)**

I.A. No.7

Applicant : Bojaraju

-V/s-

Opponents : Jayaramaiah & others

ORDERS ON I.A.NO.7

The plaintiff has filed I.A. No.7 under Order 1 Rule 10 (2) r/w Sec. 151 CPC with a prayer to implead the proposed defendants as defendant No.15 and 16 in this suit.

2. The I.A. No.7 supported with an affidavit duly sworn by the plaintiff by stating that during the proceedings, the defendant No.5 and her children sold the suit item No.1 in favour proposed defendants under registered sale deed dated 12.10.2022 in order to defeat the right in respect of item No.1. Therefore, the proposed defendants are very much necessary to adjudicate the matter completely and effectively,



otherwise, it leads to multiplicity of proceedings. The application is allowed, no injustice caused to proposed defendants.

3. Per contra, the proposed defendants filed their objection by denying the entire affidavit averments. The proposed defendants contended that they are not the necessary parties to this suit. They purchased the suit item No.1 from defendant No.5 and her children. They are bonafide purchasers. The plaintiff has no right, title and possession of the said purchased property. Hence, their participation is not necessary to adjudicate the matter completely and effectively. Therefore, prays to reject the I.A.No.7 with costs.

4. Heard arguments from the learned counsel for the plaintiff and proposed defendants and perused the records.

5. On the basis of rival contentions of the parties the following points arise for my consideration:

1. Whether the plaintiff has made out grounds to implead the proposed defendants to adjudicate the matter completely and effectively?



2. What order ?

6. My answer to the above points is :

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1:** The plaintiff filed the suit against defendants for the relief of partition and separate possession in respect of suit schedule properties. When the case is posted for plaintiff's evidence, the present plaintiff filed so many interlocutory applications to bring the Lrs of the parties and to implead the parties in this case. Admittedly, Order I Rule 10 of CPC deals with additional or removal of parties to suit. According to the plaintiff, during the proceedings, defendant No.5 and her children sold suit item No.1 in favour of proposed defendants under the registered sale deed dated 12.10.2022. This suit filed in the year 2019. So, it is very clear that during the proceedings, the defendant No.5 sold suit item No.1 in favour of proposed defendants. The proposed defendants have not denied the execution of sale deed by defendant No.5 and her children in their favour in respect of item



No.1 but they have taken contention that they are bonafide purchasers. However, whether defendant No.5 and her children sold suit item No.1 to proposed defendants for their family necessity or not is a matter of trial. Further the plaintiff has specifically pleaded that the suit item No.1 is the ancestral and joint family property of plaintiff and defendants and he is having legitimate share in the suit schedule properties. Hence, to determine all the above questions involved in the suit, the participation of proposed defendants are very much necessary to adjudicate the matter completely and effectively. Hence, in the interest of justice and equity and to meet the ends of justice, it is just and necessary to permit the plaintiff to implead the proposed defendants as defendants No.15 and 16. Therefore, Point No.1 answered in the **Affirmative**.

8. Point No.2: In view of the above discussion on point No.1, I proceed to pass the following:

ORDER

IA.No.7 filed by the plaintiff under Order 1 Rule 10(2) of CPC is hereby allowed. No order as to cost,

Plaintiff is permitted to implead the proposed defendants as



defendants 15 and 16 in this suit.

(Dictated to the stenographer, after her transcription, revised, corrected and then pronounced by me in the open Court on this the 6th day of January, 2025)

**Sd/-
(PRAMEELA M.)
C/c. Addl. Sr. Civil Judge & JMFC.,
Madhugiri.**