

KATK710006952011



**IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC,
PAVAGADA**

**Present:- Smt. Munirathnamma.C.N, B.A., LL.B.,
Addl. Civil Judge and JMFC,
Pavagada.**

Dated this the 12th day of June, 2026

O.S.No.146/2011

- Plaintiffs :
1. Sri.D.Hanumantharaya
S/o late Doddaiah
aged about 35 years
 2. Sri.D.Dhanjaya
S/o late Doddaiah
aged about 28 years

Both are residing at
Kadrihally village
Nidagal Hobali
Pavagada Taluk.

(By Sri.M.N, Advocate)

V/S

- Defendants :
1. Sri.Somashekar
S/o late C.Hanumanthappa
aged about 28 years

2. Sri.Lokesh
S/o late C.Hanumanthappa
aged about 25 years
3. Sri.Doddaiah
S/o late Chikkakariyappa
aged about 45 years
4. Hanumantharaya
S/o late Narasimhappa
aged about 40 years

Defendant No.1 to 4 are
Residing at;
Kadrihali village
Nidagal Hobali
Pavagada Taluk.

I.A.No.XV

Applicants : Sri.D.Hanumantharaya
and another

V/s

Opponents : Sri.Somashekar and
others

ORDERS ON I.A.NO.XVII FILED BY THE
APPLICANT/PROPOSED DEFENDANT UNDER ORDER 1
RULE 10(2) R/W SECTION 151 OF CPC.

The counsel for proposed defendant has filed IA No.15 under Order 1 Rule 10(2) of CPC seeking for permission to implead the proposed defendant No.5 to 8.

The proposed amendment is as follows:

1. Sri.Kariyanna
S/o late Siddappa
Late Kariyamma
D/o late Narasappa
aged about 62 years
Residing at;
Kadrihalli Village
Nidagal Hobali
Pavagada Taluk.
2. Sri.Hanumantharayappa
S/o late Chikkanna
late Sannamma
D/o late Narasappa
aged about 68 years
Residing at;
Karidasanahalli Village
Hulikunte Hobali
Sira Taluk.
3. Sri.Hanumantharayappa
S/o late Govindappa
Late Puttamma
D/o late Narasappa
aged about 70 years
Residing at;
Kadrihalli Village
Nidagal Hobali
Pavagada Taluk.
4. Sri.Henjarappa
S/o late Shanthamma
D/o late Narasappa
aged about 78 years
Residing at;
Bedathuru Village
Midigeshi Hobali
Madhugiri Taluk.

2. In the affidavit the proposed defendant stated that, the plaintiff has filed suit for declaration and for permanent injunction against the defendants with respect of suit properties. The plaintiff has produced implead the proposed defendants as defendant No.5 to 8 with respect of suit 'A' schedule properties and alternative relief of partition with respect to the suit 'B' schedule properties. The proposed defendants are the sons of daughters of late Narasappa, the suit is very just and proper to decide the dispute between the parties. Hence, prays to allow the application.

3. On the other hand, proposed defendants neither appeared nor representative to oppose the application.

4. Heard counsel for plaintiff.

5. The points arise for determination of this Court as follows:

1. Whether the applicant has made out sufficient grounds to allow the application?

2. What order?

6. My answer to the aforesaid points are as follows:

Point No.1 : In the Affirmative,
Point No.2 : As per the final
order for the
following:

REASONS

7. **Point No.1:-** On going through the record it is clear that re-issue notice to defendant No.2 and 3 through SPAD. The counsel for plaintiff filed present application for implead the proposed defendants are necessary parties to the suit. Further stated that, they are the family members of plaintiff. Therefore, the impleading applicants are necessary to implead as defendant No.5 to 8. However, the proposed defendants are necessary to implead as parties for effective adjudication. The plaintiff made out clear grounds to allow the application. Hence, I proceed to answer point No.1 in the **Affirmative**.

8. **Point No.2:-** In view of above assigned reasons, I proceed to pass the following;

ORDER

I.A.No.15 filed by the applicant under
Order 1 Rule 10(2) of CPC is hereby allowed.

No order as to costs.

(Dictated to the Stenographer, corrected and then pronounced by me in the open court on this the 12th day of June, 2026)

(Smt.Munirathnamma.C.N)
Addl. Civil Judge & J.M.F.C.,
Pavagada.