

The proposed defendant No.7 to 11 have filed an application under Order I Rule 10(2) r/w Sec.94(e) and 151 of C.P.C. to implead them in the said suit.

In the accompanying affidavit it is submitted that, they have filed this application to implead themselves as defendant No.7 to 11 on the basis of joint and constructive right and possession over the plaint 'A' schedule properties. After the advent of Karnataka Land Reforms Act, Ponku Naika applied for occupancy right with respect to plaint 'A' schedule properties on behalf of the family. On 21.01.1977 the Land Tribunal ordered in favour of Ponku Naika and his direct brother Komba Naika jointly which stands reflected in the plaint. These proposed parties submits that, since the Land Tribunal pleased to order in favour of Ponku Naika and his direct brother Komba Naika jointly. These applicants are got inherit right over the schedule property from the date of Land Tribunal order. Kombu Naika died on 23.07.2011 leaving behind his wife and 4 children. They are not being made as parties in the said suit. Therefore, prays to passe an order for impleading them. Along with this application family tree of late Komba Naika is being given and it also reflects that Komba Naika died on 23.07.2011 and these proposed parties who likes to join in this suit are the legal heirs of deceased Komba Naika. Neither the plaintiff nor the defendants have raised any objections to that effect.

Further perused the Land Tribunal order, wherein as rightly pointed out by the proposed parties it was granted jointly in favour of Ponku Naika and Komba Naika at this stage. So, therefore, this court proceeds to pass the following :

ORDER

The application filed under Order I Rule 10(2) r/w Sec.94(e) and 151 of C.P.C. stands allowed.

The proposed parties are permitted to come on record as defendant No.7 to 11.

The plaintiff is directed to amend the cause title of the plaint and carryout amendment wherever it is required as per law and furnish fresh amended plaint by 22.06.2026.

(Santosh Srivastava)

Addl. Senior Civil Judge and A.C.J.M.,
Udupi.