

**IN THE COURT OF THE ITINERATING SENIOR CIVIL
JUDGE AT HUVINAHADAGALI**

OS No. 8/2023

Plaintiffs : Smt. M.P.M. Gowramma & Others.

Vs

Defendants : Smt. Sarojamma & Others

ORDERS ON IA NO. 7.

The IA No. 7 dated 18.10.2025 is filed by the Plaintiffs under Section 151 of CPC and they seek to give up the Item No. 3 bearing Sy. No. 280/C measuring 1A 15C from the Suit Claim.

2. In support of the IA No. 7, the Plaintiff No. 2 Sri.Vijayanandaswamy has filed his Affidavit on Oath for himself and for other Plaintiffs. His contentions in brief are that, the Item No. 3 of the Suit Schedule Properties bearing Sy. No. 280/C/2 measuring 1A 15C out of Sy.No.280/C is standing in the name of one M.P.M. Rudramuniswamy and the Revenue entries are also standing in the name of said Person. The Defendants No.2 and 3 have filed their Written Statement by contending that, the said Property is jointly standing in the names of Defendant No. 1, M.P.M. Revanasiddappa and M.P.M. Rudraswamy and therefore, the Suit is bad for non joinder of Parties for not including other two Persons in whose name the Property is standing. This Court has also Framed the Issue No. 4 in respect of said contentions. Therefore, the Plaintiffs seek to delete the Item No. 3 from the Suit.

3. The Defendants have filed their Objections to the IA No. 7. They have contended that, the Court has already Framed the Issues and Evidence is also Recorded. Now, at the Stage of Arguments, the Plaintiffs are seeking to give up the Item No. 3 which is not permissible.

4. I have Heard both Parties on the IA No. 7.

5. On perusal of the Material placed on Record, the Points that arise for My consideration are as follows:

POINTS

- 1) ***Whether the Plaintiffs could give up the Item No. 3 at the Stage of Arguments ?***
- 2) ***What Order?***

6. Now, My answers to the above Points are as follows:

ANSWERS

POINT NO.1 : In the Negative.

POINT NO.2 : As per the Final Order, for the following:

REASONS

7. ***POINT NO.1:*** I have already narrated the facts leading up to filing of the above IA No. 7 and therefore, to avoid the repetition of the same, it is not reiterated here.

8. The above Suit for Partition and Separate Possession was filed on 04.02.2023 and the IA No. 7 was filed by the Plaintiffs on 18.10.2025 when this Case was Posted for hearing Arguments after Recording Evidence of the Parties. The Plaintiffs are not seeking deletion or giving up the Item No. 3 in their

IA No. 7 but, they are seeking to not press the Item No. 3. The Plaintiffs are not saying anything about they are going to file another Suit in respect of the Item No. 3 or they are not going to Claim any relief in respect of the Item No. 3 in future. The IA No. 7 is filed not under Order 23 or under Order 2, Rule 2 of CPC. Since the Issue No. 4 about Suit bad for non joinder of necessary Parties is already Framed and the Parties have already adduced their respective Evidence, I do not see any reasons to allow the IA No. 7 for the reason of not filing the Application under proper provisions of CPC and also for the reason of not disclosing anything about reserving their Rights in respect of the Item No. 3 by the Plaintiffs. Therefore, ***the Point No. 1 is answered in the Negative.***

9. **POINT NO.2** : For these reasons, I proceed to pass the following:

ORDER

***The IA No. 7 of the Plaintiffs
is Rejected.***

*Posted Finally for arguments
on 17.01.2026.*

*(Typed by the Court Hall Typist to My dictation in the Open Court,
Corrected and pronounced on 19.12.2025)*

**Itinerary
Senior Civil Judge
Hoovinahadagali**