

**ITINERARY SITTING AT SENIOR CIVIL JUDGE  
HUVINAHADAGALI**

**Dated this the 20<sup>th</sup> day of February 2026**

**PRESENT**

**MADHUSUDHANA D.K.**

Itinerary Senior Civil Judge  
Huvinahadagali

**OS. No.125/2024**

***Plaintiff:Smt. Veeramma***

***V/s***

***Defendants: Smt. Gowamma @ Lalithamma  
and Others***

**ORDERS ON IA NO.8**

The Plaintiff has filed the IA No.8 dated 26.09.2025 under Order 1, Rule 10 of CPC and she seeks to bring the Defendants No.4 to 6 on Record.

2. In support of the IA No.8, the Plaintiff Smt.Veeramma has filed her Affidavit by deposing on oath that, *she has filed the above Application to bring the Purchasers of the Sy.No.210/C as Defendants No.4 to 6 and the said Property was sold by the Defendant No.2 in spite of the same is Ancestral Property. Since the Proposed Defendants No.4 to 6 have purchased the Joint Family Property, she prays for allowing the IA No.8.*

3. After Notice on the IA No.8, the Proposed Defendants No.4 to 6 have appeared through their Advocate and they have filed detailed Objections. In brief, they have contended that, *the Sy.No.210/C measuring 3A 10C of Sogi Village was purchased from the Defendant No.2 under a Registered Sale Deed dated 16.07.2007. After the Sale Deed, the husband and father of the Defendants No.4 to 6 had obtained change of*

*Khatha and become the Absolute Owner in Possession. The Plaintiff is having the knowledge of the Sale Deed in the Year 2007 but, by suppressing the same, the Plaintiff has filed the IA No.8. Therefore, the Proposed Defendants have prayed for dismissing the IA No.8.*

4. I have heard the Plaintiff and Proposed Defendants on the IA No.8.

5. On appreciation of facts leading up to filing of the IA No.8, the Points that arise for My consideration are as follows:

#### **POINTS**

**1) Whether the Plaintiff shows that, the Proposed Defendants are also Necessary Parties in the Suit?**

**2) What Order?**

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

#### **ANSWERS**

**POINT NO.1 : In the Affirmative**

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

#### **REASONS**

7. **POINT NO.1** : I have already narrated the Case of the Plaintiff and the Defendants at the inception of the above Orders and therefore, to avoid repetition, the same will not be reiterated here.

8. The Proposed Defendants have admitted in their Objections that, *the husband of the Proposed Defendant No.4 and father of the Proposed Defendants No.5 and 6 had purchased the Sy.No.210/C under a Registered Sale Deed dated 16.07.2007. The Plaintiff has not stated anything about the Sale Deed was dated 16.07.2007.*

It appears that, *the Plaintiff was aware of the said Sale Deed in the Year 2007 itself*. But, the Plaintiff did not mention about alienation of the Sy.No.210/C in the Year 2007 in her Complaint and the Plaintiff files this Suit in the Year 2024 by seeking Partition and Separate Possession. Considering the alienation of the Sy.No.210/C in the Year 2007 and filing of the Suit after expiry of 17 Years from the date of alienation in the Year 2024, the relief against Sale Deed dated 16.07.2007 in respect of the Sy.No.210/C appears to be barred by Law of Limitation. But, the said fact could not be appreciated without any Pleadings in that respect. Since the Proposed Defendants are alleged as Purchasers of one of the Joint Family Properties, any Order or Decree passed in respect of the said Property has got effect on them. Therefore, by keeping open the liberty for the Defendants No.2 and 3 on Record and for the Proposed Defendants No.4 to 6 to take necessary contentions about Suit being barred by Limitation or relief against Sale Deed dated 16.07.2007 is barred by Limitation, the Proposed Defendants are held to be Necessary Parties to this Suit. Therefore, ***the Point No.1 is answered in the Affirmative.***

9. **POINT NO. 2:** For the above discussion, I proceed to pass the following:

**ORDER**

***The IA No.8 is allowed.***

***The Plaintiff shall Amend the Complaint and furnish Amended Complaint on 07.03.2026.***

**MADHUSUDHANA D K**  
Itinerary Senior Civil Judge  
Huvinahadagali