

KADG420001092013

**IN THE COURT OF THE CIVIL JUDGE AT HARAPANAHALLI.****Present : Shri.Manu Sharma S.P.,**

B.A.LAW.LL.M.

Civil Judge and JMFC, Harapanahalli

Dated this **18<sup>th</sup> day of February, 2026****OS No.50/2013****PLAINTIFF/s**

SMT. VASURAMMA

W/o. Late Nagappa

Aged about 50 years,

Hindu, Agriculturist,

R/o. Nerebommanahalli,

Harapanahalli Tq.

Since dead by LR's

P1(a) Smt. Anjinamma @ Moseenabanu

w/o Khadar Khan

a/o 37 years, House wife,

R/o Thyavanagi village, Davanagere Tq

Davanagere District.

P1(b) Smt. Anita

w/o Hanumanthappa

a/o 35 years, House wife,

R/o Sriramanagara, Siramagondanahalli

village, Davanagere Tq

Davanagere District.

P1(c) Smt. Shakunthala

w/o Hulugesha

a/o 33 years, House wife,

R/o #1942/50, 2nd Main, 6th

Cross, Vonobanagara, Davanagere

Town, Davanagere District.

P1(d) Sri. Annayya

s/o Late Nagappa  
a/o 30 years, Agriculturist,  
R/o Nerebommanahallivillage,  
Harapanahalli Tq  
Vijayanagara District. Now resident at  
Sriramanagara, S.O.G. Coloni,  
Davanagere Town, Davanagere District

**(By Sri.R.G.P. Adv.)**

**-Vs.-**

**DEFENDANT/s**

SMT. VADRA JAYAMMA  
W/o. Dasappa, Aged about 45 years,  
Hindu, Agriculturist,  
R/o. Nerebommanahalli,  
Harapanahalli Tq.  
Since dead by her LR's:  
1a) Vadra Dasappa S/o Late Siddappa, a/o  
70 years  
1b) Vadra Renukamma D/o Vadra  
Dasappa, a/o 40 years  
1c) Vadra Manjappa s/o Vadra Dasappa,  
a/o 38 years  
1d) Vadra Girijamma D/o Vadra Dasappa,  
a/o 38 years  
1e) Vadra Manjamma D/o Vadra Dasappa,  
a/o 38 years  
1f) Vadra Aasamma D/o Vadra Dasappa,  
a/o 36 years  
1g) Vadra Annesha s/o Vadra Dasappa,  
a/o 30 years  
All are Hindus, Agriculturists, R/O  
Karemmanahalli village in Jagalur Tq in  
Davanagere Dist.

2) SRI P. BASAVARAJAPPA  
S/o. Gutteppa, Aged about 45 years,  
Hindu, Agriculturist, R/o.

Nerebommanahalli,  
Harapanahalli Tq.

**(D2 By Sri.M.A.N.Adv.)**

**(D1(a) to 1(g) are placed exparte )**

**PARTIES TO IA No.IXX**

**Proposed defendant No.3 to 10/3rd party applicant/s** 3. Smt. Sharadamma D/o Late Danappa, Aged about 50 years.

4. Anitha D/o Ramakka-Rajappa, Aged about 36 years.

5. Veereshi S/o Late Ramakka-Rajappa, Aged about 35 years.

6. Hanumesha S/o Late Ramakka-Rajappa, Aged about 35 years.

7. Smt. Chandamma W/o Late Hanumappa, Aged about 70 years.

8. Mamalamma D/o Late Hanumappa, Aged about 48 years.

9. Hulugamma D/o Late Rathanamma-Hanumappa, Aged about 46 years.

10. Smt. Hanumanthi D/o Late Rathnamma Hanumappa, Aged about 40 years.

-Vs.-

**DEFENDANT/s/OPPONENT  
/s**

SMT. VADRA JAYAMMA  
W/o. Dasappa, Aged about 45  
years,

Hindu, Agriculturist,  
R/o. Nerebommanahalli,  
Harapanahalli Tq.

Since dead by her LR's:

1a) Vadra Dasappa S/o Late  
Siddappa, a/o 70 years

1b) Vadra Renukamma D/o Vadra  
Dasappa, a/o 40 years

1c) Vadra Manjappa s/o Vadra  
Dasappa, a/o 38 years

1d) Vadra Girijamma D/o Vadra  
Dasappa, a/o 38 years

1e) Vadra Manjamma D/o Vadra  
Dasappa, a/o 38 years

1f) Vadra Aasamma D/o Vadra  
Dasappa, a/o 36 years

1g) Vadra Annesha s/o Vadra  
Dasappa, a/o 30 years

All are Hindus, Agriculturists, R/O  
Karemmanahalli village in Jagalur  
Tq in Davanagere Dist.

2) SRI P. BASAVARAJAPPA

S/o. Gutteppa, Aged about 45  
years,

Hindu, Agriculturist, R/o.  
Nerebommanahalli,  
Harapanahalli Tq.

### **ORDER ON I.A.NO.IXX**

1. Third party applicants have filed an application under Order 1 Rule 10(2) and (4) read with Section 151 of CPC, seeking to implead them as defendants in the present suit. The application is supported by the affidavit of Defendant No.5.

**2. Application is supported by affidavit of proposed defendant No.3 to 10/3rd party applicant.**

It is the contention of the proposed defendants/applicants that the plaintiff has filed the present suit for declaration of title and permanent injunction, and that the proposed defendants are relatives of Vaddara Hanumappa who was the original propositus of Plaintiff and that the proposed defendants are legal representatives/legal heirs of Vaddara Hanumpa, S/o Gurappa, who died leaving behind the suit property and other properties.

**3.** It is also the contention of the proposed defendants that the plaintiff has filed a regular appeal before the Assistant Commissioner, and these applicants and other heirs of Vaddara Hanumpa gave consent to the same, as they were all assured that the suit schedule property and other properties will be equally divided after obtaining the decree from the Court of Law. After the death of said Vasuramma, deceased Plaintiff her LRs who are on record are falsely claiming that the suit schedule property is their absolute property. The proposed defendants have contended that they, being the legal heirs of Vaddara Hanumpa, are also having

equal rights over the suit schedule property, and as such, they are necessary parties to the suit.

4. The plaintiff has filed an objection to the application, stating that the proposed defendants have not made out any reasons to come on record as defendants in the present suit. The plaintiff has further stated that the proposed defendants, by filing the present application, are trying to prolong the proceedings by adopting delay tactics. Based on said contentions, the plaintiff prayed for rejection of the application.

5. Based on the application and counter, the following points arise for my consideration:-

**1] Whether proposed defendants have made out grounds to come on record as defendants.?**

**2] What Order?**

6. Heard arguments and perused records of the case.

7. My answers to above points are as here under:-

Point No.1:- In the **Negative**.

Point No.2:- As per final order for following:-

**REASONS**

**8. Point No.1:-** It is the case of the proposed defendants that they, being the legal heirs of Vaddara Hanuppa, are necessary parties to the suit. The plaintiff has filed a suit for declaration of title, and the said suit cannot be adjudicated in their absence, as the proposed defendants also have rights over the suit schedule property.

**9.** In support of their case, at this stage, the proposed defendants have produced a family genealogy and an affidavit sworn before a Notary Public, which indicate that they are branch members of Danappa and Hanuppa, who are the children of Vaddara Hanuppa, S/o Gurappa. As per the contention of the proposed defendants, Vaddara Hanuppa left behind not only the plaintiff as a legal heir, but also other legal heirs, as indicated in the family genealogy.

**10.** The proposed defendants have produced records of land bearing Survey No.249, which show that the names of Danappa, Gurappa, Nagamma, and Manjappa are entered as Pattadars of the said property. The revenue entries prima facie indicate that the proposed defendants and the plaintiff belong to the same family.

However, the relationship aspect has to be decided in detail after full trial. Nevertheless, by producing the aforesaid documents, the plaintiffs have made out a case to be impleaded on record as proposed defendants. Moreover, as the suit is one for declaration of title and injunction the rights of the parties have to be comprehensive decided. In order to avoid multiplicity of litigation. Accordingly, I answer **Point No. 1 in the Affirmative.**

**11. Point No.2**:- For the reasons stated above, I am of the considered opinion that the application is to be allowed. In the result, the following order is passed:-

### **ORDER**

The application filed by the proposed defendants under Order 1 Rule 10 read with Section 151 of CPC is hereby allowed.

The proposed defendants are permitted to come on record as defendants. The plaintiff is hereby directed to implead them as

defendants in the present suit by  
making necessary amendments to the  
plaint.

(Dictated to the Stenographer transcribed and typed by him, the transcript revised and corrected by me, and then pronounced in the open court on this **18<sup>th</sup> Day of February 2026.**)

**(Manu Sharma S.P)**  
**Civil Judge and JMFC.,**  
**Harapanahalli.**

**(Vide separate order)**  
**Order pronounced in the Open**  
**Court**  
**vide Dt.18.02.2026.**

**: ORDER :**

The application filed by the proposed defendants under Order 1 Rule 10 read with Section 151 of CPC is hereby allowed.

The proposed defendants are permitted to come on record as defendants. The plaintiff is hereby directed to implead them as defendants in the present suit by making necessary amendments to the plaint.

18.02.2026.  
**Civil Judge and J.M.F.C.,**  
**Harapanahalli.**

For Additional evidence  
of defendant No.1 by 17-12-  
2025

05.12.2025.

**Civil Judge and J.M.F.C.,  
Harapanahalli.**

