

KADG420001092015

**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 16th day of December, 2025**OS No.189/2015****PLAINTIFF/s**

1. Nagappala Siddilingamma W/o M.S.Halesh, Aged about 48 years, Occ: Anganavadi Teacher.
2. M.H.Lohita S/o M.S.Halesh, Aged about 22 years.
3. M.H.Sarala D/o M.S.Halesh, Aged about 20 years, All are R/o Budihal village, Harapanahalli Taluku, Vijayanagara District. Present R/o K.B. Extension, 1st main road, 4th cross, Davanagere.

(By Sri.M.M.N.Adv.,)

-Vs.-

DEFENDANT/s

1. M.S. Halesh S/o Late Moogappa, Aged about 49 years, R/o Boodihallu village, Harapanahalli Taluku.
2. K.Shivaputrappa S/o K.Veerayya, Aged about 52 years, Occ: Dalali commission Agent, R/o Door No.1653/14, 4th cross, Siddaveerappa colony, Davanagere.

(D.1. By Sri.V.H.P.Adv.,)**(D.2. By Sri.P.J.G.Adv.,)**

PARTIES TO ON IA No.I**DEFENDANT
NO.3/APPLICANT/s**

Smt.Rathnamma W/o Kenchappa,
Aged about 60 years, Occ: House
hold, R/o Budihal village,
Harapanahalli Taluku, Vijayanagara
District.

-Vs.-

PLAINTIFF/s/OPPONENT/s

1. Nagappala Siddilingamma W/o
M.S.Halesh, Aged about 48 years,
Occ: Anganavadi Teacher.

2. M.H.Lohita S/o M.S.Halesh, Aged
about 22 years.

3. M.H.Sarala D/o M.S.Halesh, Aged
about 20 years, All are R/o Budihal
village, Harapanahalli Taluku,
Vijayanagara District. Present R/o
K.B. Extension, 1st main road, 4th
cross, Davanagere.

ORDER ON IA NO.I

1. Applicant/proposed defendant NO.3 has filed application U/o 1 rule 10(2) of CPC seeking to implead him as defendant No.3 in the present suit..

2.Application is supported by affidavit of proposed party.

It is stated in the affidavit that defendant No.1 is husband of plaintiff No.1, and defendant No.2 is stranger to plaintiff, defendant and applicant. It is further stated that defendant No.1 is son of uncel of applicant by name Mugappa i.e., father of defendant NO.1 and father of applicant are direct brothers. It is further stated that suit schedule properties belonged to herself

and defendant No.1. It is further stated that plaintiff has wrongly described the suit schedule property in the plaint. Based on said contentions proposed party prayed for allowing the application.

3. Plaintiff has filed objection to application contending that proposed party has not stated as to how she is related to plaintiff. Plaintiff has further stated that suit schedule properties are situated in the middle of Budihala Village coming within the limits of Hosakote Panchayath, as such description is properly shown in the plain. Plaintiff has further stated that proposed party is not a necessary party to the suit.

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

1] Whether proposed party/applicant has made out grounds to be impleaded on record??

2] What Order?

5. Heard arguments and perused records of the case.

6. My findings on above points are as here under:-

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

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

REASONS

7. Point No.1:- Proposed party has filed application contending that she is daughter of one Mudiyyappa who is brother of one Halesh who is son of Mugappa. It is her contention that her father and father of defendant No.1 are direct brothers. To substantiate her contention at this stage she has produced copy of the unregistered partition deed. In the said document it is mentioned that father of defendant NO.1 and her father were residing in one family and they have divided the properties. Proposed party has also stated in the application that suit schedule properties are situated within revenue land bearing Sy. No. 110/5. It is to be noted that said survey number is also mentioned as one of the subject matters of aforesaid partition deed. Further proposed party has produced ROR of land bearing Sy. No. 110/5 standing in the joint names of Hanumanthappa, proposed party and defendant No.1. The said documents prima facie indicate that proposed party belongs to the family of defendant No.1, as such ROR is standing in the joint name of herself and defendant No.1. Moreover correctness of the documents and question as to whether suit schedule properties are carved out of land bearing Sy. No. 110/5 is a matter of trial. However having regard to the reasons assigned in the application and documents submitted on record evidencing nexus of proposed party with the family of defendant No.1 it is to be held that proposed party has made out grounds to come on record. Hence I answer **point No.1 in the Affirmative.**

8. **Point No.2:-** For the reasons stated above I am of the considered opinion that for proper and effective adjudication of the case on hand and to meet ends of justice and also to avoid multiplicity of proceedings application deserves to be allowed. In the result the following:-

ORDER

Application filed by proposed party U/o 1 rule 10(2) R/w Sec. 151 of CPC is hereby allowed.

Proposed party is permitted to come on record.

Plaintiff is directed to amend the plaint accordingly.

(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 16th of December 2025.)

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