

Order Sheet

In the Court of: Pri. Civil Judge and JMFC Court, CN Halli
TUMKUR

FR No. : O.S./319/2022

Registration No.: O.S./319/2022

Vs

Plaintiff

Defendent

1) Ramakka & 4 others

2) Dayananda

3) Gowramma

4) Rathnamma

5) Chandraiah

1) Kamalamma

2) Lathamma

3) Rathnamma

4) Ningaraju @ Lingaraju

Nature of Case: DECLARATION & INJUNCTION

Provision of Law: Under order 7 Rule 1 of CPC -

Advocate For Plaintiff Sh./Smt. : G. Parameshwaraiah

Date of Filing : 14-10-2022

Date of Registration : 14-10-2022

Relief :

The Plaintiffs humbly prays this Hon'ble Court that -

a) Declare Plaintiff's are the lawful owner of the suit schedule property.

b) To restrain the Defendants from not to sold the suit schedule property by granting permanent injunction.

c) To restrain the Defendants from not to interfere with the peaceful possession over the suit schedule property by granting permanent injunction.

d) Kindly grant cost on the basis of the facts of the case and such other reliefs as may think fit by the Hon'ble Court, in the interest of Justice and equity.

Purpose	Mode	Bank Name	Amount
Receipt No. : 1031/2022-2023 Date : 14-10-2022	Court Fee on Pl... Cash		25.00
Receipt No. : 1032/2022-2023 Date : 14-10-2022	IA Fee Cash		10.00
Receipt No. : 1033/2022-2023 Date : 14-10-2022	Process Fee Cash		35.00

IA 1/2022 Under Order 39 Rule 1 and 2 of CPC R/W sec 151 of CPC -

Relief : That for the reasons stated in the annexed affidavit that kindly grant Temporary Injunction not to alienate and sell the suit schedule property till disposal of the suit, in the interest of justice and equity.

CAO/CMO

22/10/24

Plt - Sp

D1 to 4 - Gvy

For obj to Impleading application.

obj to impledy
appl filed.

To hear on impledy
appl.

Call on 20.11.24

Q
22.10

20/11/24

Plt - Gp

D1 to 4 - Gvy

To hear on Impleading
application.

Heard on impledy
application. Doc filed

by impledy applicant -
kept by for order.

Q
20.11.24

Orders on impleading application
under Order 1 Rule 10(2) of CPC

Impleading applicant by name Puttaiah S/o Late Basappa has prayed the court to implead. In the accompanying affidavit it is submitted that he has purchased the property that is subject matter in this suit. The previous sale deed of vendor is being questioned in this case and

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therefore prays to allow the application.

The advocate for plaintiff has filed objections submitting that the suit property is different from the property so purchased by the impleading applicant and therefore he is not necessary party to the suit, hence prays to dismiss the application.

Heard respective advocates.

The advocate for impleading applicant has produced documents with respect of his sale deed and of the sale deed of his previous vendor. From perusal of the said documents the survey number purchased by the impleading applicant is 69/2, whereas the suit property is 69/4. Even the boundaries in the sale deed produced by the impleading applicant do not match with the suit property boundaries. However the impleading applicant submits that his vendor title is questioned, declare the 1974 sale deed as not binding on the plaintiffs. Therefore, the impleading applicant upon which he is claiming title being subject matter in suit, the impleading applicant being necessary party for proper adjudication of the suit. During trial the question whether the properties of the impleading applicant and the suit property is different or the same would be adjudicated. Therefore the objections raised by the plaintiffs is not sustainable when the title of the impleading applicant is questioned at the suit. Under such circumstances, this court is proceed to pass the following:

05.319/2022

- 12 -

Order

The impleading application under Order 1 Rule 10(2) of CPC is allowed. The impleading applicant is impleaded as defendant No.5.

 20.11.22

PCJ & JMFC.,

For amendment and for amended plaint.

Call on 03.12.2024.

 20.11.22

PCJ & JMFC.,