

**IN THE COURT OF II ADDL SENIOR CIVIL JUDGE,
BENGALURU RURAL DISTRICT, BENGALURU.**

Present : Smt.**CHINMAYEE. R.H**, B.A.L, LLB,
II Addl.Sr.Civil Judge,
Bengaluru(R)Dist.,Bengaluru.

Dated this the 25th Day of November 2025

OS.No.1658/2016

Plaintiff : V.Venkatamma and Others

Vs

Defendants : Venkatesh and Others

PARTIES TO IA.No.7

Applicants : K.R.Veerabhadraiah and Another
Proposed Defendants

Vs

Opponents/
Plaintiff : Maruthi

Orders on IA.No.7 filed Under Order 1 Rule 10(2) CPC

The advocate for defendant No.10 to 13 has filed this application to transpose them as plaintiff No.4, 6, 7, 8.

2. In the accompanying affidavit, defendant No.10 has sworn that the plaintiffs have filed the above suit for 1/3rd share in item No.1 and 2 of the schedule property. The plaintiffs at para No.4 of the plaint admitted that defendant No.10 to 13 are successors of Venkataramanappa. These defendants have extracted plaint averments and submit that defendant No.1 to 9 do not have any right, title, interest and possession, what so ever to convey property not exceeding 2/3rd share and any Sale made by defendant No.1 to 9 in favour of defendant No.16 to 19 is not binding on defendant No.10 to 13 along with the plaintiff No.1 to 3. These defendants submits that on the basis of Sale deed executed by defendant No.16 to 19 vide Sale deed dated:01.02.2007 by Doddagurappa and Patalaiah and further by venturing into Joint development agreement and agreement of sale by defendant No.16 to 19 does not bind on these defendants and thereby they pray this court to grant appropriate relief to restrain defendant No.16 to 19 from creating alienation to third party and thereby prays to allow the application.

3. The plaintiffs have opposed the said application on the ground that the plaintiffs have filed the above suit for partition and separate possession of their 1/3rd share in respect of suit schedule property. The defendant No.10 to 13 after lapse of 7 years have filed the present application to transpose them as additional plaintiffs. These defendants had filed written statement by admitting the case of the plaintiffs but on the other hand, had sought for dismissal of the suit as not maintainable and they have sought for partition of their share in the schedule property. In the written statement of defendant No.10 to 13 there is no allegation against the plaintiffs in respect of claim made by them. All the plaintiffs and defendants are one and the same in a suit for partition. If the defendants are having any claim, these defendants have no bar to claim their status as defendant No.10 to 13 itself. No reason are assigned by the applicants to transpose them as additional plaintiffs and thereby prays to dismiss the application.

4. Heard the learned counsels.

5. The following Points arise for my consideration:

1. Whether the defendant No.10 to 13 have made grounds to allow the application?

2. What Order ?

6. Considering the application, objection and the plaint averments,

my answer to the above points is as follows:

Point No.1: In the Negative

Point No.2: As per the final Order for the following:

REASONS

Point No.1: The plaintiffs have filed this suit against the defendants for the relief of partition and separate possession with respect to item No.1 and 2 of the schedule properties. The plaintiffs have filed the suit against the defendant No.1 to 19, wherein, by virtue of this applicants, that is defendant No.10 to 13 intend to transpose them as additional plaintiffs. It is pertinent to note that as the suit is one filed by the plaintiffs for partition and separate possession if the defendants have any claim in the schedule property there is no bar under law for them to claim the right over the schedule property by filing written statement and counter claim. These defendants can agitate their right in the position of defendants itself.

7. Transposing them to the position of plaintiffs will not serve the purpose. Moreover, the plaintiffs herein are contesting the case. Further, these defendants have not made out single ground in the affidavit as to why they intend to transpose themselves as plaintiffs. Under these circumstances this court is of the opinion that there are no merits in the application filed by the defendants and hence, I answer the above Point in the Negative.

Point No.2: For the reasons discussed supra, I proceed to pass the following:

ORDER

IA.No.7 filed by the defendant No.10 to 13 under Order 1 Rule 10(2) CPC is rejected.

(Dictated to the steno, typed by her then corrected by me and pronounced in the open court on this 25th Day of November 2025)

(CHINMAYEE.R.H)
II Addl.Sr.Civil Judge,
Bengaluru (R) District,Bengaluru