

**ORDERS ON I.A.NO.2 UNDER ORDER  
I RULE 10(2) R/W/S 151 OF C.P.C.**

I.A.No.2 filed by the plaintiff under Order 1 Rule 10(2) r/w Sec.151 of CPC to permit her to implead the proposed impleading applicants as defendants

No.3 to 6 respectively as mentioned in application.

2. In support of the application, the plaintiff has sworn to an accompanying affidavit stating that she has filed the above suit against the defendants for the relief of easementary rights over the 'B' schedule property and for permanent injunction against the defendants. The plaintiff is the absolute owner in possession of the schedule 'A' property. The schedule 'A' property has no any access to reach except the schedule 'B' property which is the portion of 5<sup>th</sup> Cross, public road maintained by BBMP. The defendants have illegally encroached 4 feet width of 10 feet, 5<sup>th</sup> Cross road at the place of 'B' schedule property by putting illegal shed and the same was objected and protested by her and the defendants are preventing her from making use of schedule 'B' property to reach her schedule 'A' property. In this regard, she lodged complaint before the proposed defendants authority to remove the illegal shed put up by the

defendants since the said illegal construction is obstruction the transpiration of vehicles, 4 wheels, tractor, JCB etc., to transfer the building materials debris etc. She has also given complaint to the health office i.e. proposed defendant No.6, since the defendants are rearing cows, buffaloes, chicken, sheep, goat and dogs and making all sorts of nuisance without maintain cleanness due to which he said area is emitting bad smell which is unbearable in nature and also hazardous to human health to the inhabitants of said area including plaintiff and her family. Hence, it is just proper and necessary to implead the proposed defendants for proper adjudication of the matter as they are proper and necessary parties. If the application is not allowed, she will be exposed to immense hardship, injury, loss, damage irreparably beyond estimation in terms of money and expression in terms of words. On the contrary, no hardship or injury would be caused to the defendants

if the application is allowed. Hence, prayed to allow the petition.

3. Objections are not filed by the defendants.

4. The plaintiff is claiming that the defendants have encroached 4 feet width of 5<sup>th</sup> Cross only that portion is shown in the rough sketch as suit 'B' schedule property. Therefore, suit 'B' schedule property is the only access to her to reach her property and it is the only way to ingress and egress. Therefore, the officials of the authorities are to be impleaded as parties. On the other hand the defendants have not filed their objections. However, the plaintiff seeking the relief against the defendants herein. Then, if at all if the public road measuring 4 feet width of 10 feet is encroached by defendants. Then, she has questioned the same before the concerned authority and they will take actions in accordance with law. Here no relief sought against the authority. Therefore, the impleading applicants are

neither the necessary parties nor proper parties to the suit. Therefore, I proceed to pass the following:-

**ORDER**

I.A.No.2 filed by the plaintiff under Order 1 Rule 10(2) r/w Sec.151 of CPC is hereby rejected.

To hear on I.A.No.1 by 04.02.2026.

**(Nisharani A.C)**  
**III A.C.C. & S.J., Bengaluru.**