



**IN THE COURT OF THE II ADDITIONAL CIVIL JUDGE AND  
JMFC, KADUR.**

**Present: -Sri. Thahakaleel K.A., B.A., LL.B.,**  
II Addl. Civil Judge & JMFC.,Kadur.

Dated: This 13<sup>th</sup> Day of November 2025

**O.S.No.136/2021**

**PLAINTIFF/S:** Smt. Nagamani N.M. @ Nagamani  
Bhushan N.M.  
W/o Nagabhooshan B.M.,  
Aged about 50 years,  
Agriculturist,  
R/o Basoor village at & post,  
Hirenallur Hobli, Kadur taluk,  
Chikmagalur District, represented  
by her General Power of Attorney  
Holder Sri. Kiran  
S/o Late Gurusiddappa,  
Aged about 49 years,  
Agriculturist,  
R/o Hirenallur Village at & Post,  
Hirenallur Hobli, Kadur Taluk.

**(Rep. By Sri. C.Balajinaika., Advocate)**

**V/S**

**DEFENDANT/S** 1. Kalleshappa  
S/o Late Nanjundappa,  
Aged about 76 years,  
Agriculturist,

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2. K. Ragavendra  
S/o Kalleshappa,  
Aged about 45 years,  
Agriculturist,  
  
Both are residents of Ward No. 8,  
Beeralingeshwara Badavane,  
Ajjampura Town, Ajjampura  
Taluk, Chikkamagaluru District.  
**(Rep. D1 &2 By Sri. B. Mahesh., Advocate)**

**Parties to I.A No.2**

- Applicant/s** : 3. Eashwarappa.B.N.  
S/o Nanjundappa,  
Aged about 60 years,  
R/o Basur Village,  
Hirenallur Hobli, Kadur Taluk.
4. Smt. Seethamma  
W/o T. Rajappa,  
D/o Late Nanjundappa,  
Aged about 57 years,  
R/o Basur Village, Hirenallur  
Hobli, Kadur Taluk.  
**(Rep. Pro.D-3 & 4 by Sri. D.C.S., Advocate)**
- V/S
- Opponent/s** : Smt. Nagamani

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<b>Sl. No.</b>	<b>Subject</b>	<b>Remarks</b>	
1	Provision under which the application is filed	Order 1 Rule 10(2) R-w Sec.151 of CPC	
2	Relief sought for	Impleading proposed defendants.	
3	The date of which the applications are filed	I.A No.	Date
		2.	22.09.2022
4	Number of the application	I.A.No.2	
5	The date of which the objection is filed by different opponents.	Objections to I.A.No.2 was filed on 15.01.2025 By the plaintiff.	
6	The date of Order.	13.11.2025	

**I.A. No.II filed by the Plaintiff under Order I Rule 10(2) of CPC**

The Plaintiff has filed this application under Order I Rule 10(2) of CPC seeking to implead the proposed Defendant No.3 and 4 as necessary and proper parties to the present suit for permanent injunction, on the ground that the proposed defendants are also interfering with the peaceful possession and enjoyment of the suit schedule property.

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2. The proposed Defendant No.3 and 4 have appeared and filed detailed objections contending that they are neither necessary nor proper parties to the proceedings and that no relief is sought against them. They further contended that the suit is between the plaintiff and the existing defendants and that the present application is filed only to protract the proceedings.

3. Heard Arguments from both side and perused materials available on records. The point points would arise for the determination.

#### **POINT FOR DETERMINATION**

1. Whether the Plaintiff has made out sufficient grounds to implead the proposed Defendant No.3 and 4 under Order I Rule 10(2) CPC as necessary and proper parties to the suit?
2. What order?

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4. The answer of this Court for the above points are as follows:-

Point No.1 : In the Affirmative

Point No.2 : As per final order for the following;

### **REASONS**

5. **Point No.1:-** The present suit is filed for the relief of permanent injunction. In a suit of this nature, the primary question to be determined by the Court is whether the Plaintiff is in lawful possession of the suit schedule property as on the date of suit and whether there is interference to such possession.

6. The Plaintiff has specifically pleaded that the proposed Defendant No.3 and 4 are causing interference to his peaceful possession and are attempting to dispossess him from the suit property. The affidavit filed by the plaintiff support the contention that there exists a dispute between the Plaintiff and the proposed defendants regarding

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possession. Under **Order I Rule 10(2) CPC**, the Court has wide discretionary power to implead any party who is a “necessary” or “proper” party. A **necessary party** is one without whom no effective decree can be passed; a **proper party** is one whose presence is necessary to enable the Court to completely and effectually adjudicate the issues involved.

7. In a suit for injunction, any person who is alleged to be interfering with the plaintiff’s possession becomes a **proper party**, as the issue of interference has to be adjudicated in his presence. If such person is not impleaded, the adjudication may become incomplete and may give rise to multiplicity of proceedings. In suits for injunction, persons alleged to be interfering with possession are proper parties and can be impleaded under Order I Rule 10(2) CPC in order to avoid multiplicity of litigation and to ensure effective adjudication. In the present case, the objections filed by the proposed defendants do not rebut the specific allegations of

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interference made by the Plaintiff. Their plea that no relief is claimed against them cannot be a ground to reject the application, particularly when the relief of injunction itself is directed against any person interfering with the plaintiff's possession. Therefore, their presence is necessary for complete, effective, and binding adjudication of the dispute involved in the suit. Accordingly, this Court is of the opinion that the Plaintiff has made out sufficient grounds to implead the proposed Defendant No.3 and 4 as proper parties to the suit. Hence, Point No.1 is answered in the **Affirmative**.

**8. Point No.2**:- In view of my discussion made above, I proceed to pass following

### **ORDER**

The I.A No.II filed by the Plaintiff under **Order I Rule 10(2) of CPC** is **hereby allowed**.

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The proposed Defendant No.3 and 4 are **impleaded as Defendant No.3 and 4** in the present suit.

Plaintiff shall carry out amendment and file amended plaint.

(Dictated to the Stenographer, transcribed by her, corrected by me and then pronounced the order in the open court on this **13<sup>th</sup> day of November, 2025**).

**(Thahakaleel K.A.)**

II Addl. Civil Judge and J.M.F.C.,  
Kadur.

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