

KADG320004912021



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & J.M.F.C.
HARIHAR**

:: PRESENT::

Sri. SHRINIVAS PATIL. B.A. LL.B. LL.M

I Addl. Civil Judge & JMFC, HARIHAR

Dated this the 04th day of August, 2026

O.S. NO.30/2021

PLAINTIFFS: Kenchappa C.K.

(R/by **Sri.M.H.B.** - Advocate)

- V/s -

DEFENDANTS: Bullapurada Manjappa and another

(D1 & D2 by **Sri. B.G.B. – Adv.**)

RANK OF THE PARTIES IN I.A. NO.IV

**Applicants : Kenchappa C.K.,
(plaintiffs)**

-V/s-

**Opponent: Bullapurada Manjappa and another.,
(defendant)**

ORDER ON I.A.NO.IV

The present order addresses the application filed by the plaintiff Under Order 1 Rule 10(2) read with Section 151 of CPC seeking to implead the proposed defendants as defendant Nos.3 to 5 in the suit.

2) In the affidavit annexed to the application, it is urged by the plaintiff that he has filed the suit against the defendants for the permanent injunction. While discussing the case with his counsel, it came to know that the plaintiff has not made other legal representatives of the deceased Siddappa who is the father of defendant No.1 and 2. The proposed defendants are the children of deceased Siddappa. The proposed defendants are claiming interest over the suit schedule B property along with defendant No.1 and 2. The proposed defendants along with a defendants are threatening to interfere with his peaceful possession and enjoyment of the suit schedule C property. The proposed defendants were also parties to the earlier proceedings in OS No.35/2005 and in RA No.22/2011 and also in RSA

No.1955/2013. Hence prayed to allow the application.

3) The proposed defendants have filed objections to the said application and contended that the application is not maintainable either in law or on facts and the same is liable to be dismissed. The plaintiff has sworn to false affidavit and the application is filed only to drag the proceedings. The plaintiff has filed an appeal before the Hon'ble High Court of Karnataka in RSA No.1955/2013 which is pending. Hence prayed to dismiss the application.

4) Heard both sides and perused the records.

5) The following points that arise for my consideration:

- 1) Whether the proposed defendants are the necessary parties to the suit?
- 2) What order?

6) My answer to the above points are as under:

Point No.1 :	In the affirmative ,
Point No.2 :	As per the final order for the following:

REASONS

7) Point No.1: The present suit is filed for the relief of permanent injunction. In such a suit, the court has to consider whether the plaintiff is in lawful possession of the suit schedule property and whether there is any interference with such possession by the defendants.

8) In the present case, the plaintiff has specifically stated that the proposed defendants are also claiming interest over the suit schedule property and they are threatening to interfere with the possession along with the defendants. The plaintiff has also stated that the proposed defendants are the brothers and sister of defendant No.1 and 2 and all of them are the children of Late Siddappa. It is admitted by both the parties that the proposed defendants were parties to the earlier litigation. Therefore, their presence will help the court to effectively decide the question of interference. Since the plaintiff has made allegations of interference against the proposed defendants, their presence is necessary for complete adjudication in the dispute. Accordingly, I answer Point No.1 in the **Affirmative**.

9) Point No.2: For the reasons discussed above, I proceed to pass the following:

ORDER

I.A. No.4 filed by the plaintiff under Order 1 Rule 10(2) read with Section 151 of CPC is hereby allowed.

No order as to costs.

The proposed defendants are impleaded to the suit as defendant Nos.3 to 5.

To carryout amendment and to furnish amended plaint by 20.08.2026.

(Dictated to the stenographer directly over the computer, got typed by her, corrected by me, signed and then pronounced by me in the open court this day of 04th day of August, 2026)

Sd/-

(Shrinivas Patil)

I Addl. Civil Judge & JMFC,
Harihar

