



IN THE COURT OF THE CIVIL JUDGE
AT SIDDAPUR

Present: Sri.UMESHA, M.P., B.A.L., LL.B.
CIVIL JUDGE & JMFC,
SIDDAPUR

DATED: ON THIS THE 27th DAY OF JANUARY - 2026

ORIGINAL SUIT No. 90 / 2018

PLAINTIFFS

- : 1. NAZIR MOHAMMED ISUB SAB ,**
Aged about 32 years, Occ: Business,
R/o Kalidasagalli, Siddapur Town,
Tq: Siddapur, Dist: Uttara Kannada,
- 1(a). ABDUL GAFAR MOHAMMED ISUB SAB,**
Aged about 30 years, Occ: Business,
R/o Kalidasagalli, Siddapur Town, Tq: Siddapur,
Dist: Uttara Kannada,
- 1(b). ABDUL KHADAR MOHAMMED ISUB SHAIK,**
Aged about 28 years, Occ: Business,
R/o Kalidasagalli, Siddapur Town, Tq: Siddapur,
Dist: Uttara Kannada,
- 2. Smt. ZEENATH W/o Mohammed Isub Sab,**
Aged about 60 years, R/o Kalidasagalli,
Siddapur Town, Tq: Siddapur, Dist: Uttara Kannada,
(BY PLEADER SRI.MRP)

-V/s-

DEFENDANT :

ABDUL MAZID @ ISMAIL SAB,
Aged about 52 years, Occ: Aracanut Business,
R/o Kalidasagalli, Siddapur Town, Tq: Siddapur,
Dist: Uttara Kannada,
(BY PLEADER SRI.GSH/MNH FOR DEFENDANT)

PARTIES TO I A NO. 7

APPLICANT/DEFENDANT:

ABDUL MAZID @ ISMAIL SAB,
Aged about 52 years, Occ: Aracanut Business,
R/o Kalidasagalli, Siddapur Town, Tq: Siddapur,
Dist: Uttara Kannada,
(BY PLEADER SRI.GSH/MNH FOR DEFENDANT)

-V/s-

**OPPONENTS / PLAINTIFFS :****1. NAZIR MOHAMMED ISUB SAB ,**

Aged about 32 years, Occ: Business,
R/o Kalidasagalli, Siddapur Town,
Tq: Siddapur, Dist: Uttara Kannada,

1(a). ABDUL GAFAR MOHAMMED ISUB SAB,

Aged about 30 years, Occ: Business,
R/o Kalidasagalli, Siddapur Town, Tq: Siddapur,
Dist: Uttara Kannada,

1(b). ABDUL KHADAR MOHAMMED ISUB SHAIK,

Aged about 28 years, Occ: Business,
R/o Kalidasagalli, Siddapur Town, Tq: Siddapur,
Dist: Uttara Kannada,

2. Smt. ZEENATH W/o Mohammed Isub Sab,
Aged about 60 years, R/o Kalidasagalli,
Siddapur Town, Tq: Siddapur, Dist: Uttara Kannada,
(BY PLEADER SRLMRP)

i.	Date of institution of suit	19.11.2018
ii.	Nature of suit	Suit for POSSESSION
iii.	Provision under which the application is filed	U/o 3 Rule 2 R/w Sec.151 of CPC
iv.	Relief sought	I.A.No.VII filed by the defendant U/o 3 Rule 2 R/w Sec.151 of CPC praying for an order to permit his son as power of attorney holder to conduct present case on his behalf by allowing this application in the interest of justice
v.	The date on which the application is filed	13.01.2026
vi.	Number of the application	IA No.7
vii.	The date on which the plaintiffs / opponents are / were filed their objections to IA No.7	On 27.01.2026, the learned counsel for the plaintiffs has submitted no objections to allow IA No.7
viii.	The date on which both the parties have addressed their arguments on IA No.7	27.01.2026
ix.	The date on which the orders were passed on the said application	27.01.2026

**ORDERS ON I A NO. 7**

I.A.No.VII filed by the defendant U/O 3 Rule 2 R/w Sec.151 of CPC praying for an order to permit his son as power of attorney holder to conduct present case on his behalf by allowing this application in the interest of justice.

2. The present application is supported by a memo of facts filed by the learned counsel for the defendant that, the defendant has executed a power of attorney in favour of one MUSHRAF ABDUL MAZEED SHAIK empowering him to represent him on his behalf. Hence, he prayed to allow the application.

3. Per contra, the learned counsel for the plaintiffs submits no objection to allow the IA No.VII.

4. Heard both the sides on IA No.7. Perused the documents on record.

5. The points that arise for consideration of this Court are as under:

POINTS

1. Whether the defendant has made out sufficient grounds to permit him to prosecute the present case through his power of attorney holder, at this stage?

2. What Order?

6. The findings of this Court on above points are as under:

Point No.1 : In Affirmative.

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

REASONS**Point No.1 :-**

7. The plaintiff has filed this suit against the defendant for the relief of the possession with respect to the suit property in the year 2018.

8. I.A.No.VII filed by the defendant U/O 3 Rule 2 R/w Sec.151 of CPC praying for an order to permit his son as power of attorney



holder to conduct present case on his behalf by allowing this application in the interest of justice.

9. The present application is supported by a memo of facts filed by the learned counsel for the defendant that, the defendant has executed a power of attorney in favour of one MUSHRAF ABDUL MAZEED SHAIK empowering him to represent him on his behalf. Hence, he prayed to allow the application. The learned counsel for the defendant produced the power of attorney executed by the defendant in favour of one MUSHRAF ABDUL MAZEED SHAIK empowering him to represent him on his behalf in this case. On perusal of said power of attorney, it reveals that the defendant has aged about 60 years. The plaintiffs have not objected the present application by filing objection. On perusal of said power of attorney it reveals that the defendant has aged about 60 years. As per Order 3 Rule 2 of CPC a person can execute the power of attorney in favour of any person to prosecute the case on his behalf. Even if the present application is allowed, the plaintiffs will get an opportunity to cross examine the power of attorney holder in order to prove their case. Therefore, this court comes to the conclusion that the applicant has made out sufficient grounds to allow the present application. Hence for the said reasons this Court answers Point No.1 in Affirmative .

Point No.2 :-

10. In view of aforesaid discussions, this Court proceed to pass the following

ORDER

The I A No.VII filed by the defendant U/o 3 Rule 2 R/W Sec.151 of CPC is hereby allowed.

The power of attorney holder is hereby permitted to prosecute the present case on behalf of original defendant.

No order as to cost.



The learned counsel for defendant is specifically directed to lead evidence of the defendant or his power of attorney holder in the next date of hearing without taking any further adjournments as the case is of the year 2018.

The learned counsel for plaintiffs are specifically directed to cross examine the DW-1 in the next date of hearing without taking any further adjournments as the case is of the year 2018.

For D/E finally by

(Dictated to the Court hall typist directly on Computer, typed by her, order corrected and signed by me, then pronounced by me in the Open Court on this the 27th day of JANUARY – 2026)

(UMESHA M.P)
Civil Judge,
Siddapur