

ORDER

The applicants by name C. Papanna, P. Chinnappa, LRs of Shankarappa and one C. Muniyellappa have filed an application dated 21-10-2014 under Order I Rule 10(2) CPC to implead as Proposed DHr Nos. 2 to 4 and 4(i) to 4(iii) and DHr No. 5.

The Ld. Counsel for the LRs of DHr No. 1 and the Counsel for said applicants are present before the Court.

Ld. DGP is also present before the Court.

Having heard both sides, I perused the records. The execution arises out of the award passed in LAC 633/1981. The award was modified in MFA 2391/1990.

One, Periyanna, was the Claimant No. 1 in the said LAC 633/1981. Muninanjappa was Claimant No. 2 and there were other 11 Claimants. One, C. Papanna, P. Chinnappa, Shankarappa and C. Muniyellappa were Claimant Nos. 4 to 7 therein.

Periyanna has passed away and his sons B. P. Nagaraj and B. P. Lakshminarayana have prosecuted the matter in the Appellate Court. They are DHr Nos. 1 and 2 in the case.

Out of the original Claimants in LAC 633/1981, Shankarappa has passed away. Under the instant application, the aforesaid Claimant Nos. 4 and 5, LRs of Claimant No. 6 and Claimant No. 7 have now sought to be impleaded as additional DHrs in the case.

They are dealing with a joint decree and the case is very old. At this stage, if the applicants are not allowed to come on record, they may not be

able to recover the amounts due to them. No harm or prejudice maybe caused to either the other DHrs or JDrs if the instant application is allowed. Accordingly, the instant application stands allowed.

The applicants C. Papanna and P. Chinnappa are brought on record as DHr Nos. 3 and 4. The LR of Shankarappa is brought on record as DHr No. 5(i) to 5(iii) and C. Muniyellappa is brought on record as DHr No. 6.

The said applicants are directed to amend the cause title of the petition accordingly and also to furnish amended petition by next date.

Considering the facts, it is however made clear that the newly added DHrs 3 to 6 are not entitled to receive the amount lying in deposit, which has been secured at the instant of DHr Nos. 1 and 2. It is made clear that, the newly added DHrs shall have to workout their remedy and then secure the payment in their favour.

Office is directed to prepare fresh memo of calculation in respect of entitlement of DHr Nos. 1 and 2 (sons of Periyanna) and also the entitlement of DHr Nos. 3 to 6 and call on by 03-10-2015.

[M. Chandrashekar Reddy]

II Addl. City Civil & Sessions Judge
and Spl. Judge, City Civil Court,
Bangalore.