

Orders on IA. No.6

IA. No.6 filed by the Impleading applicant Munirajappa S/o late. Munivenkatamma to implead him as claimant in the case.

The said application is supported with the affidavit of Impleading applicant Munirajappa, wherein, he has stated that the acquired properties are the ancestral and joint family properties of his grandfather Veerappa. Further he stated that he is also one of the family members of other claimants in the case and among other grounds, prayed to implead him as claimant in the case.

The LRs of claimant No.1 filed detailed objections to the above application stating that the Impleading applicant is not necessary party to the case.

On that basis the point for consideration is as under:

“Whether the Impleading applicant Munirajappa made out sufficient grounds to implead him as claimant in the case?”

Heard the arguments. Perused the materials on records, my finding on the above point is in the affirmative, for the following:

REASONS

Point: This is a reference made by the LAO to the Court under Sections 30 and 31 of Land Acquisition Act to decide the title of the parties over the acquired property and also apportionment of compensation amount accordingly. In the case on hand, many persons were impleaded in the case. The Impleading applicant has produced copy of plaint and order sheet in O.S. No. 4323/2021. The said documents shows that there was a partition suit pending between present claimants and the Impleading applicant. The Impleading applicant claims right over the property bearing Sy. No. 1/1 (old property No. 1/1B) and property bearing No.2/2, which is the property acquired in this case. As such, the Court has to decide the title of the parties over the said acquired property. Under such circumstances, even if the application is allowed, no

prejudice will be caused to the other claimants as the claimants have to prove their title over the acquired property independently. As such, even if the above application is allowed, no prejudice will be caused to any of the parties. Per contra, if the application is not allowed, certainly it may prejudice to the claim of Impleading applicant. Under such circumstances, I.A. No.6 deserves to be allowed. Accordingly, the above point is answered in the affirmative. In the result, I proceed to pass the following:

ORDER

IA.6 filed under Order 1 Rule 10(2) of CPC by the Impleading applicant Munirajappa is hereby allowed.

The Impleading applicant is permitted to implead him as claimant in the case.

The Impleading applicant is directed to amend the cause title and also to file amended cause title.

For necessary amendment and amended cause title by 05.04.2025.

(PADMA PRASAD)
II Addl. City Civil and Sessions
Judge, & Spl. Judge, Bengaluru.

