

ORDERS ON MEMO

Learned counsel representing the LR.No.(a) & of deceased 1st defendant has filed a memo to direct the 3rd defendant to comply with the order passed by the Hon'ble High Court of Karnataka in MFA No.2496/2005 and to allow LR No.(a) of deceased 1st defendant to reside in the house situated in 'A' schedule property and to further direct him to provide an independent access (way), to enable LR No.(a) of the deceased 1st defendant, her children, grand children, relatives and her friends, to make use of the way without any interference or disturbance. 3rd defendant has filed objections and admitted that LR No.(a) of deceased 1st defendant is having living rights over 'A' & 'B' schedule properties as per the MOA dated 11/6/1986. Apart from reiterating the previous incidents, 3rd defendant has mentioned that the roof of the house situated in 'A' schedule property is leaking in several places and the same is 100 years old building. Wooden reapers and sealing are deteriorated. Walls are dump due to rain water and the said

house is unfit for old persons. Incidentally, it is mentioned that LR No.(a) of deceased 1st defendant is having respiratory problems and he is more concerned about the health of LR No.(a) of deceased 1st defendant.

Today, both side parties and their counsels are present. 3rd defendant has voluntarily agreed to allow LR No.(a) of deceased 1st defendant to reside in the house, situated in 'A' schedule property and he has undertaken to deliver the key of the said house to his aged mother i.e. to the LR No.(a) of deceased 1st defendant tomorrow morning i.e. on 28/7/2016 and he has further undertaken to provide free access to the said house, to enable his aged mother, or his mother's children, grandchildren, friends and relatives to have free access to the house, in which, his mother will going to reside. LR No.(a) of deceased 1st defendant is at liberty to carry out necessary repairs to the house, to enable her to live comfortably.

To hear on I.A.s. Call on

PO, CCH-3.

