

LAC No.71-2021

Orders on IA. No.2

I.A. No.2 filed by Smt. Lakshmid devi and her 2 daughters to implead them as claimants 6 to 8 in this case.

The said application is supported with the affidavit of one Smt. Lakshmid devi claiming that they are having undivided right over the acquired property and hence, they are entitled for compensation involved in this case.

The respondent filed detailed objections.

On that basis the point for consideration is as under:

“Whether the Impleading applicants made out sufficient grounds to permit them to implead in this case as claimants 6 to 8 ?”

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 respondent to the Court under Section 77(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to decide the title of the acquired property and apportionment of the compensation amount. As per the reference, the claimants are Patel Narasimhaiah and others. The claim of these applicants is that Patel Narasimhaiah had a son by name Mutte Gowda and a daughter by name Chennamma. The said Mutte Gowda had 2 wives namely Kempamma and Thimmakka. The said Mutte Gowda through his first wife had 4 children namely Rangaswamy, Murthy, Kumar and Bhagya. The said second son Murthy is husband of impleading applicant No.1 Smt. Lakshmidevi and father of other 2 impleading applicants namely Kum, Shobha and Kum. Bindushree. Accordingly, claimed that they are entitled for share in the acquired

property as the said property is originally acquired by Patel Narasimhaiah. In support of the said fact, the applicants have produced notarized copy of family tree along with their notarized copies of Aadhar cards which shows that they are the wife and children of Murthy. The copy of death certificate of Murthy is also produced. As per the said death certificate, Murthy is the son of Kempamma, who is said to be the first wife of Muttegowda. The said Muttegowda is the son of Patel Narasimhaiah. Of course, inspite of direction issued by the Court dated 12.10.2023, the parties have not produced any genealogical tree issued by the Tahsildar. Mere non production of documents itself is not a ground to reject the claim of the applicants. As this reference is made under Section 77(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, certainly the parties are at liberty to prove their title over the acquired property. The parties who

succeed in proving the title over the acquired property are entitled for compensation. As such, even if these applicants are impleaded in this case, no prejudice will be caused to other claimants. Certainly if the application is not allowed, it may cause hardship to the present applicants. Mere impleading of the parties itself is not a ground to allow the claim of the applicants as the applicants have to prove their title over the acquired property independently. Accordingly, the above point is answered in the affirmative. In the result, I proceed to pass the following:

ORDER

IA. No.2 filed under Order 1 Rule 10(2) of CPC by the Impleading applicants is hereby allowed.

Consequently, the Impleading applicants are permitted to be impleaded in this case as claimants 6 to 8.

The Impleading applicants are directed to amend title and file amended cause title as well as claim

statement.

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

IA No.3 filed by the applicants to appoint one Smt. Lakshmidevi as natural guardian of daughters namely Kum. Shobha and Kum. Bindushree.

The said application is filed on 12.10.2023 showing Kum. Shobha is aged about 17 years. If the said contention is accepted, certainly the said Kum. Shobha is becoming a major. Hence, the said application is infructuous and the said IA No. 3 is dismissed as infructuous with a liberty to file fresh application.

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

For necessary amendment,
amended cause title and claim
statement by 03-07-2025

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

