

KABG210060502021



ORDER ON I.A.VI

The petitioners have filed this application U/o. I Rule 10 (2) R/w. Section 151 of CPC seeking an order of the court to implead the proposed respondent No.13 to 26.

Proposed respondent No.13 to 26:

13. Sushilabai W/o. Appanna Navi @ Hadapad, Age: 55 years, Occ: H.H. work, R/o. Madbhavi, Tal: Athani, Dist Belagavi.

14. Sri. Hanamant S/o. Appanna Navi @ Hadapad, Age: 36 years, Occ: Agri., R/o. Madbhavi, Tal: Athani, Dist Belagavi.

15. Smt. Sunandha W/o. Siddraya Hadapad, Age: 38 years, Occ: H.H. work, R/o. Mole, Tal: Kagawad, Dist Belagavi.

16. Smt. Kallavva W/o. Annappa Navi @ Hadapad, Age: 50 years, Occ: H.H. work, R/o. Madbhavi, Tal: Athani, Dist Belagavi.

17. Smt. Minakshi W/o. Mallikakrajun Navi, Age 38 years, Occ: H.H. work, R/o. Bijjaragi Ta: Tikota, Dist Vijayapur.

18. Smt. Savita W/o. Vithal Navi, Age: 35 years, Occ: H.H. work, R/o. Kanal, Tal:Athani, Dist Belagavi.

19. Sri. Shivaling Annappa Navi @ Hadapad, Age: 32 years, Occ: Agri., R/o. Madbhavi, Tal: Athani, Dist Belagavi.

20. Smt. Kavita W/o. Shivakumar Navi, Age: 30 years, Occ: H.H. work, R/o. Shedbal, Tal: Kagawad, Dist Belagavi.

21. Smt. Annavva W/o. Shiddappa Navi @ Hadapad, Age: 55 years, Occ: H.H. work, R/o. Madbhavi, Tal: Athani, Dist Belagavi.

22. Sri. Mahantesh S/o. Shiddappa Navi @ Hadapad, Age: 36 years, Occ: Agri., R/o. Madbhavi, Tal: Athani, Dist Belagavi.

23. Sri. Lakkappa S/o. Shiddappa Navi @ Hadapad, Age: 32 years, Occ: Agri., R/o. Madbhavi, Tal: Athani, Dist Belagavi.

24. Smt. Rajashri W/o. Ningappa Navi @ Hadapad, Age: 40 years, Occ: H.H. work, R/o. Madbhavi, Tal: Athani, Dist Belagavi.

25. Sri. Shrishail S/o. Ningappa Navi @ Hadapad, Age: 22 years, Occ: Agri., R/o. Madbhavi, Tal: Athani, Dist Belagavi.

26. Smt. Shushmita W/o. Ravi Navi Age: 27 years, Occ: H.H. work, R/o. Madbhavi, Tal: Athani, Dist Belagavi.

2. In the affidavit accompanying application, the petitioner No.1A has stated that she has recently come to know that the land Sy.No.375/1B which is renumbered as 371/1 measuring 8 acre 10 guntas of Madbhavi Village has been mutated in the names of respondent No.13 to 26 on the strength of the compromise decree passed by this court in O.S.No.1018/2022. She has further stated that the said compromise decree is not binding on the petitioners. She has further stated that in order to adjudicate the matter effectually and completely, the proposed respondents are necessary parties to the petition. Therefore, she has sought an order to allow the application.

3. The respondents have not filed any objection to the application despite opportunities.

4. I have heard the counsel for petitioners.

5. The petitioner No.1A has contended that the land Sy.No.375/1B which is renumbered as 375/1 measuring 8 acres 10 guntas (item No.4 of the suit properties) is presently mutated in the name of proposed

respondents No.13 to 26. The proposed respondents No.13 to 26 do not dispute the said fact. The petitioners alleged that there has been compromise decree passed in O.S.No.1018/2022 before this court and on the strength of the same, the mutation has been effected. When the property which is subject of the present petition is allegedly mutated in the names of proposed respondent NO.13 to 26 during the pendency of the petition, in order to restrain them from further alienation or disposition of the property, it is just and necessary to implead them. In order to adjudicate the matter completely and effectually, the presence of proposed respondents No.13 to 26 is necessary before the court. Hence, I pass the following:

ORDER

IA.VI filed by the petitioners U/o. I Rule 10(2) R/w. Section 151 of CPC is hereby allowed.

The proposed respondent No.13 to 26 are hereby added to the petition as respondent No.13 to 26.

The petitioners shall carry out the amendment to join the name of the respondent No.13 to 26 in the petition and file the amended petition by next date of hearing.

No order as to cost.

For amended petition, call on :
30.1.2024.

I Addl.Civil Judge & JMFC., Athani.