

IN THE COURT OF THE SENIOR CIVIL JUDGE AT KADUR.

O.S. No. 65/2018

Dated: 14/09/2020

Plaintiff : S. Siddaramappa

V/s

Defendants : Devendrappa and others

ORDER ON IA NO.2

Plaintiff has filed this application U/o 1 Rule 10(2) of CPC to implead the Special Land Acquisition Officer and Competent Authority, National Highway Authority of India, Tumkur, Honnavara Section, Shivamogga Division, having it's office at 2nd Floor, Central Avenue, Near SBI Bank, N.T. Road, Shivamogga as one of the defendant in the above case.

After service of notice the proposed defendant remained absent.

The plaintiff has the suit against the defendant No.1 to 4 for the relief of Specific Performance of the registered sale agreement dated 21/05/2015. According to the plaintiff after he got registered sale agreement by defendants, the proposed defendant has acquired nearly 75% of the suit schedule property for the purpose of formation of national highway. Thereafter the plaintiff approached the proposed defendant and also filed objection before the Authority of proposed defendant but they did not stop the proceedings, hence the plaintiff has come up with the present IA. Admittedly the plaintiff has filed the suit for the relief of Specific Performance of sale agreement executed by defendant No.1 to 4. The plaintiff has not produced any document to show that the proposed defendant has acquired the suit schedule property. The plaintiff is not yet acquired any right over the suit schedule property on the basis of sale agreement. Hence, the plaintiff cannot question the acquisition proceedings of the proposed defendant. Moreover the plaintiff has not uttered as to why the

proposed defendant is to be impleaded in the suit. Being the public Authority the proposed defendant having right to acquire the any land as per law for the purpose of forming national highway. For these reasons the plaintiff cannot implead the proposed defendant, even if the proposed defendant is impleaded no purpose will be served. Hence, IA No.2 filed by the plaintiff is hereby dismissed.

For plaintiff evidence by: 12/10/2020.

*Senior Civil Judge.
Kadur.*