



**IN THE COURT OF THE ADDL. CIVIL JUDGE AND JMFC.,  
MUDIGERE.**

**DATED: THIS THE 21<sup>st</sup> DAY OF AUGUST 2025**

**Present: Smt. Suraksha K.K.** B.B.M.,LL.B.,  
Addl. Civil Judge & JMFC.,  
Mudigere.

**ORIGINAL SUIT No: 18/2024**

**BETWEEN :**

- 1.** Mohammed Mubashir,  
Aged about 40 years,  
S/o late Abdul K.abdul Rashid,  
R/o Bidrahalli Village & Post,  
Kasaba Hobli, Mudigere Taluk.
- 2.** Mohammed Mudasir,  
Aged about 38 years,  
S/o late K.Abdul Rashid,  
R/o Bidarahalli Village & Post,  
Kasaba Hobli, Mudigere Taluk.
- 3.** Azmath Unnisa,  
Aged about 60 years,  
W/o late K.Abdul Rashid,  
R/o Bidarahalli Village & Post,  
Kasaba Hobli, Mudigere Taluk.

.... Plaintiffs

**(By Sri. K.S. Adithya, Adv.,)**

**AND :**

- 1.** The Chief Officer,  
Town Panchayath,  
Mudigere.



2. The Deputy Commissioner,  
Chikkamagaluru District,  
Chikkamagaluru.
3. The Government of Karnataka,  
Represented by its Chief Secretary,  
Vidhana Soudha, Bengaluru. .... Defendants

**(D1 By Sri.B.Jagadeesh, Adv.,)**  
**(D2 & 3 By Asst. Government Pleader)**

### **ORDERS ON PRELIMINARY ISSUE**

The present suit has been filed by the plaintiff against the defendants seeking for the relief to declare that the name of the plaintiff No.1 and 2 wrongly mentioned in katha of the suit schedule property.

2. In counter defendant No.1 filed their written statement by denying all the averments in the plaint and further stated that " As per Section 283 of Municipality act, there is a bar of suit against its officers, servants, etc., for acts done in good faith". Hence the plaintiffs have no right to sue against the defendant No.1 and prays to dismiss the suit as not maintainable.

3. On considering the pleadings of both the parties this Court has framed issues and the issue No.2 which is framed as "**isn't the plaintiffs' suit maintainable as contended by the Defendant no.1 in his written statement?**" treated as preliminary issue?



4. Heard the arguments of learned counsel for the Plaintiff and perused notes of arguments submitted by the Defendant No.1 and so also the entire materials on record.

5. The findings of this Court for the above Preliminary Issue is in '**Negative**' for the following:

### **REASONS**

6. It is the contention of the defendant No.1 that the present suit is not maintainable since it is barred under Section 283 of Municipality Act.

7. While arguing on above said issue, Learned counsel for defendant No.1 argued that, without filing application before Defendant No.1 authority plaintiffs have issued Notice and without seeking declaration with respect to the name of the plaintiffs the present suit is not maintainable. While the Learned counsel for plaintiffs argued that the plaintiffs have complied all the requirements before filing of the present suit. Hence, the suit is maintainable.

8. At this juncture it is necessary to refer the Section 283 of Municipality act, which reads as follows;

***"No suit shall lie in respect of anything in good faith done or intended to be done under this Act against any municipal council or against any committee constituted under this Act or against any officer or servant of a municipal council or against any person acting under and in accordance with the directions of any such municipal***



***council, committee, officer or servant or of a magistrate.”***

9. On thorough reading of above provision it clears that no suit shall be instituted against any officer, servants or against any other person who are acting as per direction issued by the council or committee. But herein in the above case plaintiff pleads to declare that there name in the katha of the suit schedule property has wrongly mentioned and it is not the suit to take action against any member, officers or servants of council for their act. Hence the contention raised by the defendant no.1 in their written statement does not have any weight. Hence, the preliminary issue is answered in '**Negative**'. Accordingly this Court proceed to pass the following;

**ORDER**

**This Court has got Jurisdiction to try  
the above Suit, and the suit is  
maintainable.**

(Dictated to the Stenographer, directly typed by him on computer, corrected and then pronounced by me in the open court on this the **21<sup>st</sup> day of AUGUST 2025, at Mudigere.**)

**(Suraksha K.K.)**  
Addl. Civil Judge & JMFC.,  
Mudigere.

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