

KACN320009072015



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,**  
**AT KOLLEGALA**

**PRESENT : SRI. M. RANJITH KUMAR** B.A,L' L.L.B.  
**I Addl. Civil Judge & JMFC., Kollegala.**

**Dated on this the 30<sup>th</sup> day of June 2026**

**OS. NO.159/2015**

Plaintiffs : 1. Sri. Shivaprasad,  
S/o Puttaveeraiah,  
Aged about 30 years,  
  
2. Sri. Madesh,  
S/o late Huchhamadaiah @Madaiah  
Aged about 50 years,  
  
3. Sri. Basavanna S/o Madaiah,  
Aged about 45 years,  
  
4. Sri. Chinnaswamy S/o Ningaiah,  
Aged about 50 years,  
**All are R/at:** Kannuru Village,  
Kollegala Taluk,  
Chamarajanagara District.

**Versus**

Defendants : 1. Sri. Madaiah,(Dead by LR's)

- 1(a). Sri. Mahesh S/o late Madaiah,  
Aged about 33 years,
- 1(b). Sri. Nataraju S/o late Madaiah,  
Aged about 31 years,
- 1(c). Sri. Ravi S/o late Madaiah,  
Aged about 28 years,  
**All are R/at:** Kannuru Village,  
Kollegala Taluk,  
Chamarajanagara District.
2. The Secretary,  
Kannuru Grama Panchayath,  
Lokkanahalli Hobli, Kollegala Taluk,  
Chamarajanagara District.

### **ORDER ON PRELIMINARY ISSUE**

**1)** This court considering the rival contentions of the parties and nature of the reliefs sought has framed the following preliminary issue and had directed parties to address arguments on preliminary issue.

#### **Preliminary issue**

*1. Whether suit of the plaintiffs is barred by law for non compliance of order I Rule 8 of CPC ?*

**2)** In spite of grating sufficient opportunities neither of the parties addressed arguments on preliminary issues.

**3)** Perused materials on records, for the reasons stated below this court answers the above cited preliminary issue as hereunder.

**Preliminary Issue – In the Negative**

**REASONS**

**4) Preliminary issue**

In order to consider the present preliminary issue under discussion, it is necessary to look into nature of the suit and reliefs sought therein.

**5)** On perusal of the plaint averments, it could be observed that, the plaintiffs claiming to residents of Kannur Village have filed present suit for the relief of declaration and mandatory injunction and if the file is perused it is apparent that, the plaintiffs are seeking to declare schedule property as property of defendant No.1 Panchayath. Thus it is apparent that, the plaintiffs claiming to be residents of Kannur village, in a representative capacity have filed present suit for the relief of declaration and mandatory injunction and whenever a

suit is filed in a representative capacity obtaining leave as under Order I rule 8 of CPC is a mandate and accordingly the plaintiffs vide order of this Court dated 19.10.2017 have already obtained leave of this Court under Order I rule 8 of CPC. Hence this Court is of the opinion suit of the plaintiffs is not bared for non-compliance of order I Rule 8 of CPC. Accordingly proceeds to pass the following.

**:- ORDER:-**

The suit of the plaintiffs is not bared for non-compliance of order I Rule 8 of CPC.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 30<sup>th</sup> day of June 2026).

**(M.RANJITH KUMAR)**  
I Addl.Civil Judge & JMFC.,  
Kollegala.