

Date: 31.01.2025:

RA.35/2018

Orders on I.A.No.8

I.A.No.8 is filed by the appellants No.1 to 4 , 6 & 7 under Order 1 Rule 10 CPC seeking an order to implead Special Land Acquisition Officer, as respondent No.8 in the present suit.

After filing the application, notice served on the proposed respondent No.8. Proposed respondent No.8 appeared through counsel.

Thereafter on 2-3 times case was adjourned for filing the objection of proposed respondent No.8 to the application i.e. I.A.No.8 filed under Order 1 Rule 10 CPC, despite giving opportunity to proposed respondent No.8, he has not filed the objection and hence objection taken as not filed.

Perused the records.

The following point do arise for my consideration.

“Whether the appellants have made out grounds that proposed respondent No.8 is necessary and proper party to the present appeal”?

My answer to the above said point is in the Affirmative for the following;

REASONS

Appellant No.4 filed the affidavit along with I.A.No.8. He has stated that the appellants have challenged the validity and correctness of the judgment and decree passed in O.S.No.38/2011, dated: 21-1-2018 on the file of Senior Civil Judge, Harihar. During the pendency of the suit, the proposed respondent No.8 acquired the suit properties bearing Sy.No.77/20, 78/11, 79/7 and the appellants came to the knowledge of the acquisition and now the proposed respondent is going to release the compensation amount. Therefore, the proposed respondent is required to be made as party to the present appeal.

As there is no objection by either parties, this court is of the opinion that in order to avoid any multiplicity of proceedings, the proposed respondent No.8 i.e. Special Land Acquisition Officer, KIDA may be impleaded as party to the present appeal. Accordingly, I answer above point in the Affirmative and proceed to pass the following:

ORDER

I.A.No.8 is allowed.

Special Land Acquisition Officer, Karnataka Industrial Development Authority, Davangere ordered to be impleaded as respondent No.8 in this appeal.

Appellant is directed to carry out the amendment in the cause title to the appeal memo and to file amended appeal memo.

Principal District & Sessions Judge,
Davangere.