

IN THE COURT OF CIVIL JUDGE AND J.M.F.C. AT**ARKALGUD****PRESENT: SMT. PREETI L.MALAVALLI B.B.A. L.L.B.,**Civil Judge & J.M.F.C.,
Arkalgud.**O.S.No. 88/2022****Dated 27th day of January-2024****Plaintiff**
Smt. Lakshamma

-V/s-

Defendants
Yogesha and others**I S S U E S**

1. Whether the plaintiff proves that suit schedule property was granted to her husband Singrigowda by land tribunal on 16/05/1979 and after death of Singrigowda on 05/07/2002, plaintiff has been in lawful possession and enjoyment over the suit schedule property ?
2. Whether the plaintiff further proves that the defendant No.1 to 7 have constructed houses over suit schedule property illegally and without permission of plaintiff about one year one month earlier to filing suit and defendant No.1 to 7 had agreed to demolish said houses and to hand over vacant possession to plaintiff when the plaintiff requested them ?

3. Whether the plaintiff is entitled to get the house constructed by defendant No.1 to 7 demolished by means mandatory injunction?

4. Whether plaintiff proves that defendants are interfering with her peaceful possession and enjoyment over suit schedule property and that she is entitled to permanent injunction restraining defendant No.1 to 10 from interfering in her peaceful possession and enjoyment of suit schedule property ?

5. Whether the defendant No.1 and 2 prove that the suit of plaintiff is not maintainable without seeking the relief of declaration ?

6. Whether the defendant No.1 and 2 prove that suit schedule property was belonging to Government and the Government acquired suit schedule property and formed sites and allotted them to houseless persons and said persons constructed houses in the year 1984 and 1985 ?

7. Whether defendant No.3 to 7 and 9 prove that the Government acquired Sy.No.30/8 i.e., Asst. Commissioner, Sakaleshpur acquired suit schedule property by order No. ACQ 27/1976-77 and formed sites and allotted them to Puttaswamygowda, Puttegowda, Papegowda, Boregowda, Javaramma, Javaraiah, Javaregowda, Kariyaiah (Father of

defendant No.10) and Hanumaiah (Father of defendant No.7) and they have constructed houses in 1984-85 ?

8. Whether defendant No.3 to 7 and 9 prove that one site was allotted to Papegowda (Father of defendant No.3) and he constructed house, and other LR's of Papegowda are not made as parties to this suit and therefore suit is bad for non joinders of LR's of Papegowda ?

9. Whether defendant No.3 to 7 and 9 prove that one site was allotted to wife of defendant No.3 i.e., Sumithra and she is not made as party to the suit and therefore the suit is bad for non joinder of necessary party ?

10. Whether defendant No.3 to 7 and 9 prove that four daughters of Javamma (Mother of defendant No.4), one Puttamma who constructed house by the side of house of defendant No.4, other heirs of Javaraiah except defendant No.5 and 7 and one Gowramma are not as made as parties to the suit and therefore suit of plaintiff is bad for non joinder of necessary parties ?

11. Whether the defendant No.6 proves that one site was allotted to his daughter-in- law Mangala by Honnavalli panchayath

and she has constructed house over suit schedule property and she is not made as party to the suit and hence suit is bad for non joinder of necessary party ?

12. Whether defendant No.7 proves that other LR's of Hanumaiah (Father of defendant NO.7) have not been made as party to the suit and hence suit is bad for non joinder of necessary party ?

13. Whether defendant No.7 proves that one site was allotted to his daughter-in-law Geetha by Honnavalli Panchayath and that she is not made party to the suit and hence suit is bad for non joinder of necessary party ?

14. Whether defendant No.9 proves that he is unnecessary party to the suit and suit is bad for misjoinder of party ?

15. Whether defendant No.9 proves that one Javaregowda sold site allotted to him to one Beluramma by registered sale deed dated 14/12/1998 and said Beluramma is not made party to the suit and hence suit is bad for non joinder of necessary party ?

16. Whether defendant No.3 to 7 and 9 prove that suit is barred by limitation and liable to be dismissed ?

17. What order or decree ?

(Dictated to the stenographer, Corrected by me and then pronounced in the open court on this the 27th day of January -2024)

(SMT. PREETI L.MALAVALLI)
CIVIL JUDGE & JMFC
ARAKALGUD.