

Both parties and their counsel are present.

Heard on on IA no.1 U/o 1 rule 8 r/w sec 151 of CPC. In the application contended that, both parties resides in Kogilahalli Village and using existing road towards Sy.no.83 belongs to defendant property to reach to Bethamangala-Mulabagal Road by the village people. But the defendant trying to abstract or interfere for ingress and egress from sy. no. 83 of Kogilahalli village to Bethamangala-Mulabagal road and necessity the road for common use and permit to sue on behalf of villagers as representative suit.

On other hand the defendant filed objection by denying contents of affidavit inter -alia contended that there is no road in sy. no. 83. Form the village map found four roads for villagers but wrongful described in sy. no. 83. On these ground, permission cannot be granted to sue.

From perusal of contention by both parties, the relief sought in the plaint for injunction restraining the defendant from interfering with enjoyment of cart road for public use of Kogilahalli Villagers. If the contention of defendant, there is no any road would not be decide at the stage. From the photograph produced by both parties seems that, there is a mud road/cart road and using by villagers in ingress and egress. On these ground, there is prima facie ground in the suit by the interest of representative in nature.

Hence I proceed to pass the following:

ORDER

IA No.1 U/o 1 rule 8 of CPC filed by plaintiff is hereby allowed.

Consequently, the plaintiffs are permitted to sue as representative capacity.

The plaintiffs shall directed to comply U/o 1 rule 8(2) of CPC in the public advertisement to all the interested parties in the village of Kogilahalli, r/by 24.11.2022.

Sd/-

I.Addl. Civil Judge & JMFC.,
KGF.