OS 206/2022 : 25.09.2023

Sri. CSV advocate for defendant No. 1 to 3 filed IA No. 1 U/s 151 of CPC seeking permission to file written statement of defendant No. 2 and along with W.S. of defendant No. 2 with adoption memo of defendant No. 1 and 3

On the other hand Sri. KSN advocate for plaintiff submits IA No. 1 filed by the defendant No. 1 to 3 may be allowed with cost.

Perused IA and affidavit and same is allowed with cost of Rs. 200/-. Cost paid.

And W.S of defendant No. 2 taken as on record. And adopt the same by defendant No. 1 and 3.

Call on for compliance U/s 89 of CPC by 13.10.2023.

ASCJ & MACT, SRIRANGAPATNA

EX 88/2021: 27.09.2023

Sri. MVS advocate for Decree Holder submits as per Sec. 39 of CPC. Decree may be transferred.

Heard arguments. It appears that the decree holder has sought for transfer of this execution petition to Prl. Senior Civil Judge and CJM at Mandya as Office and properties of Judgment debtor are situated at Mandya.

On perusal of petition, judgment and decree and documents it appears that Judgment debtor is residing at Mandya Taluk and properties of Judgment debtor are situated Mandya Taluk which comes within the jurisdiction of Mandya. Therefore it is just and necessary to transfer the petition to the Hon'ble Prl. Senior Civil Judge and CJM, Mandya for execution of decree. Hence this Court is proceed to pass the following,

ORDER

Acting U/s 39 of CPC office is order to transfer entire records of this petition, along with certificate to the Hon'ble Prl. Senior Civil Judge and CJM, Mandya for further proceedings.

Case is disposed off.

ASCJ, SRIRANGAPATNA

EX 64/2014 : 27.09.2023

Sri. SEL advocate for Dhr filed IA No. 3 U/s 224 of karnatka Civil Rules of practice for appointment of special ameen to execute the attachment warrant of movables of Jdr.

At this stage I gone through the provisions of Sec 39(a) of CPC if the person against whom the decree is passed actually and voluntarily resides and carries on business, or Personally works for gain, with in the local limits of the jurisdictional of which other court. Admittedly the Jdr is residing at Bengaluru and having movable and immovable properties also at Bengaluru.

Therefore, appointment special ameen in this case does not arise at all. Hence I Proceed to pass following order:

***: Order** :*

Application U/s 224 of Civil Rules of Practice filed by the Dhr is hereby rejected.

Office is directed to transfer entire records of this petition, along with certificate to the Jurisdictional court for further proceedings.

Case is disposed off.

ASCJ, SRIRANGAPATNA

RA 16/2021 : 27.09.2023

Perused entire record available before this court. The appellant has preferred an appeal by challenging in the judgment and decree passed by the trial court along with IA No. 1 U/s 5 of Limitation Act.

The counsel for respondent No. 6 even appear before this court but his not filed any objections to the IA No. 1

Sri. SJ advocate filed power for respondent No. 2 to 5 and submits IA No. 1 may be allowed with cost.

Perused IA and affidavits and same is allowed with cost of Rs. 500/- and delay in filing of appeal for the period of 75 days are condone.

Heard arguments from appellant side. Arguments of respondent side by 29.09.2023.

ASCJ, Srirangapatna.

OS 140/2021 : 26.09.2023

Sri. SSP advocate for plaintiff filed IA No. 7 U/o 32 rule 12 R/w Sec 151 of CPC for discharge of guardian of the defendant No.3.

Perused IA and same is allowed. Guardian is discharged of the of the defendant No. 3 as prayed for Call on for amendment and amended plaint by 05.10.2023.

ASCJ., Srirangapatna

MVC 56/2023 : 26.09.202

Sri. KPK, advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Call on for w/s of respondent No.2 by 31.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

MVC 764/2020 : 25.09.2023

Sri. MGP advocate for petitioner filed IA No. 3 U/o 16 rule 6 of CPC. Issue summons to RMO, K.R. Hospital, Brudhavana Hospital, Vidhyaranya Hospital and J.S. hospital, Mysore to produced K sheet, And X-ray and other documents of petitioners and adduce evidence.

Perused IA and same is allowed. Issue summons to RMO, K.R. Hospital, Brudhavana

Hospital, Vidhyaranya Hospital and J.S. hospital, Mysore Call for further petitioners evidence by 02.11.2023.

ASCJ & MACT, SRIRANGAPATNA.

MVC 894/2019 : 25.09.2023

Sri. SCK advocate for petitioner filed IA No. 4 U/o 1 rule 10(2) of CPC to implead the IA schedule person as proposed respondent No. 3.

Issue notice to proposed respondent No. 2 on IA No. 4 through RPAD if P.F is paid. Returnable by 04.11.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1165/2022 : 25.09.2023

Sri. SEL advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. SKG advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record.

Reissue notice to respondent No.1 through RPAD if P.F. is paid by 19.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1594/2022 : 25.09.2023

Sri. SPP advocate for respondent No. 1 and Sri. SEL advocate for respondent No.2 filed IA No.3 and 4 U/s 151 of CPC seeking permission to file written statement of respondent No. 1 and 2 and along with written statements.

On the other hand Sri. DP advocate for petitioner submits no objection.

Perused IA and affidavits and same are allowed. Written statement of respondent No. 1 and 2 taken on record.

Issues framed. Call on for petitioner evidence by 27.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1503/2022 : 25.09.2023

Sri. KVY advocate for petitioner filed IA No. 1 U/o 1 rule 10(2) of CPC to implead the IA schedule person as proposed respondent No. 3.

Issue notice to proposed respondent No. 3 on IA No. 1 through RPAD if P.F is paid. Returnable by 21.10.2023.

ASCJ & ASCJ, SRIRANGAPATNA

OS 142/2022 : 25.09.2023

Sri. CNS, advocate for defendant No. 2 and 3 filed IA No.4 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 2 and 3 and along with vakalath.

Perused IA and same is allowed. Exparte order against the defendant No. 2 and 3 are hereby set aside.

Call on for W.S defendant No. 2 and 3 by 30.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

Ex. 23/2023 : 25.09.2023

The special ameen return the process stating that the respondent No. preferred an appeal before the Hon'ble High court of Karnataka in MFA No. 4108/2023 on perusal of the orders. The Hon'ble High court of Karnataka stayed the Judgment and

award passed by this court.

Sri. DPK advocate for Dhr prays time, there is no grounds. Hence, in view of MFA time being E.P. is disposed off.

ASCJ, Srirangapatna.

Ex. 65/2020 : 25.09.2023

The special ameen return the process stating that the respondent No. preferred an appeal before the Hon'ble High court of Karnataka in MFA No. 1630/2021 on perusal of the orders. The Hon'ble High court of Karnataka stayed the Judgment and award passed by this court.

Dhr and their counsels called out absent. In view of MFA time being E.P. is disposed off.

ASCJ, Srirangapatna.

MVC 525/2020 : 25.09.2023

Case called out kept by,

Again at 3.50 P.M. case is called out. Counsel for petitioner is present and prays time for petitioner evidence.

Perused order sheet. Case was posted for petitioner evidence on 16.03.2021 from that day till today the petitioner is not appear before this court it shows that the petitioner is interested to proceed with case against the respondents.

Once against the counsel for petitioner made request this court to grant one more time.

In view of submission made by the counsel for petitioner case is posted for petitioner evidence last chance by 31.10.2023.

ASCJ & MACT, Srirangapatna.

OS 06/2019 : 25.09.2023

Smt. LV advocate for plaintiff filed IA No. 3 U/s 151 of CPC seeking reopen the case from the stage of defendant evidence.

And also filed IA NO. 4 U/o 16 rule 1 and 2 of CPC seeking permission to file list of witness by condoning the delay and along with witness list.

Defendants and their counsels called out absent.

Perused IA and affidavits and same are allowed.

Call on for further plaintiff evidence by 26.09.2023.

ASCJ, Srirangapatna

OS 6/2011 : 25.09.2023

DW5 present. Fully cross examination by counsel for defendant No. 18 and Ex.P 5(c) to 5(e) are got marked.

Sri. RK advocate for defendant No. 15 filed IA No. 52 U/s 151 of CPC for reopen the case for the purpose of cross examination of DW4 and also filed IA No. 53 U/o 18 rule 17 of CPC for recall of DW4 for the purpose of cross examination.

Sri. KK advocate for defendant No. 13 submits IA's are may allowed with heavy cost.

Perused IA and affidavits and same are allowed with cost of Rs. 300/- each. DW4 is recalled cost amount goes to defendant No. 13.

Issue hand summons to DW4. through hands of defendant No. 15. Call on for cross examination of DW4 by. 03.10.2023.

ASCJ, Srirangapatna.

OS 100/ 2014 : 25.09.2023

Sri. KNM advocate for Defendant No. 3 filed IA No. 32 Us of CPC for recall of defendant No. 1 for the purpose of further chief of DW1. And also filed IA No. 33 U/o 8 rule 1 (a) of CPC seeking permission produced list with documents by condoning the delay and along with list with documents.

Plaintiff and counsels for other defendants expect defendant No. 4

called out absent. Hence, objection taken as not filed.

Sri. IKR advocate for Lrs of defendant No. 4 submits IA No. 32 and 33 filed by the defendant No. 3 may be allowed with cost.

Perused IA and affidavits and same are allowed with cost of Rs. 200/- each.

DW1 is recalled and list documents taken on record.

DW1 present. Ex.D 3 to 13 are got marked. Call on for cross DW1 by 30.09.2023.

ASCJ, Srirangapatna.

OS 110/2019 : 25.09.2023

Sri. TNS, advocate for plaintiff file IA No.10 U/o 16 Rule 1 and 2 of CPC seeking permission to file list of witness by condoning the delay and along with witness list.

Defendant and their counsels called out absent. Hence objection taken as not filed.

Perused the IA and same is allowed. List of witness taken on record.

Call on for further plaintiff evidence finally by 26.09.2023.

ASCJ, SRIRANGAPATNA.

ECA 02/2020 : 22.09.2023

Sri. Kpk advocate for respondent No. 2 filed IA No. 6 U/s 151 of CPC for reopen the case from the stage of respondent evidence and also filed IA No. 7 U/o 18 rule 17 of CPC, for recall on PW2 for purpose of cross examination.

Perused IA's and same are allowed.

Call on for cross PW2 by 26.09.2023.

ASCJ & MACT, SRIRANGAPATNA

RA 22/2021 : 23.09.2023

Sri. MNN advocate for appellant filed IA No. 4 U/s 151 of CPC. Seeking for advancement and IA No. 5 U/o 41 rule 27 of CPC, seeking permission to produced Addl. evidence and along with list with one document.

On the other Sri CRS advocate for respondent submits no objections.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

Call on for evidence by 23.09.2023

ASCJ, Srirangapatna.

Appellant present. Examined as appellant No. 1(DW1) got marked Ex. D 87, in view of no objection made by the counsel for respondent to the IA No. 5. Cross of examination of DW1 taken as nil. Heard arguments, judgment by 26.09.2023.

ASCJ, Srirangapatna.

MVC 401/2022 : 22.09.2023

Sri. GPJ advocate for petitioner filed IA No.4 U/o 26 rule 9 of CPC or appointment of commissioner for examination of doctor.

On the other hand of Sri. BMS advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggests name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 04.11.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1098/2020 : 22.09.2023

Sri. DGN advocate for respondent No.2 filed IA No. 4 U/o 26 rule 10(3) of CPC Issue bailable warrant against the respondent No. 1 and rider of the motor bike.

Perused IA and same is allowed.

Issue bailable warrant against the witness with penalty of Rs. 500/- as prayed in the IA by 10.11.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 112/2019 : 20.09.2023

Case is called out. No representation.

Perused order sheet. The counsel plaintiff has filed retirement memo on 14.10.2022 immediately after acceptance of retirement memo of the counsel for plaintiff this court has issued court notice to plaintiff, even service of court notice to the father of the plaintiff, he did not appear before this court and this

court given sufficient opportunities to the plaintiff to proceed with the case against the defendants. Even service of court notice the plaintiff is not appear before this court, it shows that the plaintiff is not interest to proceed with case against the defendant. Hence, suit dismissed for no prosecution.

ASCJ, Srirangapatna.

MVC 569/2017 : 20.09.2023

Case is called out. The counsel for petitioner submits that the petition is interested to proceed with the case hence necessary orders may be passed.

In view of submission made by the counsel for petitioner, this petition is dismissed for default.

ASCJ & MACT, Srirangapatna.

OS 20/2019 : 20.09.2023

Sri. NL advocate for plaintiff filed IA No. 10 U/s 151 of CPC seeking reopen the case from the stage of arguments.

And also filed IA No. 11 U/o 18 rule 17 of CPC for recall of DW1 for the purpose of cross examination.

Defendant and their counsels called absent. Hence, objections taken as not filed.

Perused IA and affidavits and same are allowed.

DW1 present. Partly cross examined. Last chance of further cross examination of DW1 by 23.09.2023.

ASCJ, Srirangapatna

MVC 345/2023 : 20.09.2023

Sri. RL, advocate for respondent No. 2 filed IA No.1 U/s 151 of CPC seeking permission to file objection statement of respondent along with Objection statement of respondent and in connection with affidavit.

On the other hand Sri. DPK, advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent taken as on record.

Issues framed. Call on for petitioner evidence by 03.11.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 346/2023 : 20.09.2023

Sri. RL, advocate for respondent No. 2 filed IA No.1 U/s 151 of CPC seeking permission to file objection statement of respondent along with Objection statement of respondent and in connection with affidavit.

On the other hand Sri. DPK, advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent taken as on record.

Issues framed. Call on for petitioner evidence by 03.11.2023.

ASCJ & MACT, SRIRANGAPATNA

EX 09/2021 : 15.09.2023

The parties and their counsel appear before this court and filed the memo. The matter is settled as per the memo. Hence EP is closed as fully satisfied.

Hence, EP is closed since matter is settled in this court.

ASCJ & MACT, SRIRANGAPATNA

MVC 1321/2019 : 15.09.2023

Sri. HCC advocate for petitioner filed IA No. 4 U/s 151 of CPC seeking reopen the case from the stage of respondent evidence and also filed IA No. 4 U/o 18 rule 17 of CPC for recall of doctor for the purposed further petitioner evidence.

On the other hand Sri. GKP advocate for respondent No. 2 submits no objections.

Perused IA and same is

allowed.

Case is reopened.

Sri. HCC advocate filed examination in chief of PW3 by way of affidavit. Ex.P 14 and 15 are got marked. Further petitioner closed.

Call on for respondent evidence by 17.10.2023.

ASCJ, Srirangapatna

OS 10/2023 : 14.09.2023

Sri. Lingaraj A. advocate filed IA No. 4 U/o 9 rule 7 of CpC to set aside exparte order passed against the defendant No. 6 along with vakalath.

Perused IA and same is allowed.

And exparte orders passed against the defendant No. 6 is here by set aside.

Sri. TNS advocate for plaintiff filed IA No. 5 U/o 6 rule 17 of CPC seeking the permission to amend the plaint.

Perused IA and same is allowed.

Call on for amendment and amended plaint and W.S. of defendant No. 6 by 13.10.2023.

ASCJ, Srirangapatna.

OS 20/2019 : 15.09.2023

Sri. NSC advocate for defendant filed application (IA No. 9) U/s 151 of CPC for reopen the case from the stage of arguments.

On the other hand plaintiff and their counsels called out absent. Hence, objection taken as not filed.

Perused IA and affidavit and same is allowed with cost of Rs. 300/-

And case is reopened and permitted to lead defendant evidence.

Sri. NSC advocate filed examination in chief of DW 1 by way of affidavit. Plaintiff and their counsels called out absent. Hence cross examination of DW1 taken as nil. Call on for arguments by 20.09.2023

ASCJ, Srirangapatna

MVC 1773/202019 : 15.09.2023

Sri. MGP advocate for petitioner filed IA No.2 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. GMV advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggest name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 27.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1717/2019 : 15.09.2023

Sri. MGP advocate for petitioner filed IA No. 5 U/o 16 rule 6 of CPC. Issue summons to RMO, Vidhyaranya Hospital, Mysore to produced k sheet, And X-ray and other documents of petitioner and adduce evidence.

Perused IA and same is allowed. Issue summons to RMO, Vidhyaranya Hospital, Mysore Call for further petitioner evidence by 20.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

Ex. 180/2022 : 13.09.2023

Sri. BDP advocate for Jdr filed power for Jdr and also filed memo along with certified copy ordered passed by Hon'ble High court of Karnataka in MFA No. 317/2023 on perusal of the orders. The Hon'ble High court of Karnataka stayed the Judgment and award passed by this court.

Sri. GSN advocate for Dhr filed memo stating that in view of MFA pending before the Hon'ble High court of Karnataka. Time being E.P. may be closed.

Perused memo and same excepted. E.P. is disposed off for time being.

ASCJ, Srirangapatna.

OS 74/2018 : 13.09.2023

Sri. MVG advocate for plaintiff filed IA No. 9 U/o 6 rule 18 of CPC seeking permission to amend the plaint.

Perused IA and same is allowed. And permitted to carried out amendment.

Amendment carried out. Call on for amended plaint. By 23.09.2023.

ASCJ, Srirangapatna.

FDP 07/2010 : 13.09.2023

Sri. HR advocate for respondent No. 1 filed application U/o 22 rule 4 of CPC, application U/o 22 rule 9 of CPC for abatement of set aside application U/s 5 of Limitation Act with vakalath of Lrs of respondent No. 1.

perused applications and same are allowed in the interest of justice and equity.

Office to draw final decree after carried out amendment in the

petition.

ASCJ, Srirangapatna.

MIS 14/2022 : 13.09.2023

Sri. NP advocate filed IA No. 2 u/o 9 rule 7 of CPC to set aside exparte order passed against the respondent and along with vakalath.

Perused IA and same is allowed. And exparte orders passed against the respondent is here by set aside.

Call for objection to IA as well as main petition by 18.11.2023

C/c. PSCJ, Srirangapatna

OS 138/2022 : 13.09.2023

Sri. HRR advocate for defendant No. 3 filed IA No. 1 U/s 151 of CPC seeking permission to file written statement of defendant and along with W.S.

On the other hand Sri. BKG advocate for plaintiff submits IA No. 1 filed by the defendant No. 3 may be allowed with cost.

Perused IA and affidavit and same is allowed with cost of Rs. 500/-

And W.S of defendant No. 3 taken as on record.

Call on for compliance U/s 89 of CPC by 29.09.2023.

ASCJ and JMFC, Srirangapatna.

OS 149/2021 : 13.09.2023

Sri. SSP advocate for defendant filed IA No. 1 U/s 151 of CPC seeking permission to file written statement of defendant and along with W.S.

On the other hand Sri. GN advocate for plaintiff submits IA No. 1 filed by the defendant may be allowed with cost.

Perused IA and affidavit and same is allowed with cost of Rs. 500/-

And W.S of defendant taken as on record.

Issues framed. Call on for plaintiff evidence by 03.11.2023.

C/c. PSCJ and JMFC, Srirangapatna.

MVC 1650/2022 : 13.09.2023

Sri. HSP, advocate for respondent filed IA No.1 U/s 151 of CPC seeking permission to file objection statement of respondent along with Objection statement of respondent and in connection with affidavit and documents.

On the other hand Sri. GSN, advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent taken as on record.

Issues framed. Call on for petitioner evidence by 18.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 730/2021

Sri. SV and SB, advocate for respondent No. 1 and 2 have filed IA No.21 and 3 U/s 151 of CPC seeking permission to file objection statement of respondent No. 1 and 2 along with Objection statement of respondent No.1 and 2 and in connection with affidavit and documents.

On the other hand Sri. DPK, advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same are allowed and written statement of respondent No. 1 and 2 taken as on record.

Call on for issues by 07.10.2023.

PSCJ & MACT, SRIRANGAPATNA

OS 151/2023.

Sri. HR, advocate filed power ofr D1 to 4. Sri. KK, advocate filed power for D5 to 10. Sri. TNS, advocate filed power for D11.

D12 to 15 called out absent. Placed exparte.

Sri. IKR, advocate for plaintiff filed IA No.2 u/s 151 of CPC for

extnesion of TI.

Perused the IA and same is allowed. TI is extended till further order. Call on for await process of D16 and 17 and W/s of D1 to D11 by 04.11.2023.

C/c. PSCJ, SRIRANGAPATNA

RA 3/2022

Sri. CRS, advocate for appellant filed IA No.2 u/o 22 rule 3 of CPC, IA No.3 u/o 22 rule 9 of CPC and IA No.4 u/s 5 of limitation Act to bring the LRs of appellant No.2 and along with vakalath.

Sri. SEL, advocate for respondent No.1 submits no objections.

R2 and their counsel called out absent. Hence, objection taken as not filed. Heard arguments. Perused the IA and affidavit and same are allowed with interest of justice and equity.

Call on for amendment and amended appeal memo by 27.09.2023.

C/c. PSCJ, SRIRANGAPATNA

PSCJ & MACT, SRIRANGAPATNA

MVC 814/2019 : 12.09.2023

Sri. MKS advocate for petitioner filed IA No.6 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. SB advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 6 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggest name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 04.11.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 128/2022 : 12.09.2023

Defendant No. 3 called out absent. Placed exparte.

Sri. ABS advocate for defendant No. 9 filed IA No. 2 U/s 151 of CPC seeking permission to file written statement of defendant No. 9 and along with W.S.

On the other hand Sri. CM advocate for plaintiff submits IA No. 2 filed by the defendant No. 9 may be allowed with cost.

Perused IA and same is allowed with cost of Rs. 300/-

And W.S of defendant No. 9 taken as on record.

Call on for Addl. Issues by 20.09.2023.

ASCJ, SRIRANGAPATNA

MVC 1381/2021 : 12.09.2023

Sri. MGP advocate for petitioner filed IA No.6 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. CKP advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 6 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggest name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 04.11.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 243/2023 : 12.09.2023

Sri. GSN advocate for petitioner filed memo stating that the petition may be dismissed against the respondents in view of the memo filed by the counsel for petitioner, this petition is dismissed against the respondents. And case is disposed off.

ASCJ & MACT, SRIRANGAPATNA

EX 46/2020 : 12.09.2023

Sri. SCK advocate for Jdr filed application U/s 151 of CPC for recall of order Dt: 02.09.2023.

Perused IA and same is allowed. And

order Dtd : 02.09.2023 is hereby set aside call on hearing date.

C/c. PSCJ and JMFC, Srirangapatna.

MVC 307/2023 : 12.09.2023

Sri. KVY advocate for petitioner filed a memo to club MVC 306/2023 and 307/2023 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 307/2023 is clubbed with MVC 306/2023 and common evidence recorded in MVC 306/2023.

Petitioner in MVC 306/2023 and 306/2023 are examined as PW1 and 2.

Sri. CSV advocate for respondent No. 1 filed IA No. 1 U/s 151 of CPC seeking permission file W.S of respondent No. 1 and along with W.S.

Perused IA and same is allowed. And W.S of respondent No. 1 taken as on record.

Issued framed. Call on for further chief of PW1 and 2 by 03.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 306/2023 : 12.09.2023

Sri. KVY advocate for petitioner filed a memo to club MVC 306/2023 and 307/2023 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 307/2023 is clubbed with MVC 306/2023 and common evidence recorded in MVC 306/2023.

Petitioner in MVC 306/2023 and 306/2023 are examined as PW1 and 2.

Sri. CSV advocate for respondent No. 1 filed IA No. 1 U/s 151 of CPC seeking permission file W.S of respondent No. 1 and along with W.S.

Perused IA and same is allowed. And W.S of respondent No. 1 taken as on record.

Issued framed. Call on for further chief of PW1 and 2 by 03.10.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 86/2023 : 12.09.2023

Sri. BSS advocate filed power defendant No. 18.

Sri CM advocate filed power of defendant No. 31.

Sri. BSS advocate for defendant No. 33 filed IA No. 2 U/s 148 of CPC for enlargement of time to file W.S of defendant No. 33.

Perused IA and same is allowed.

Call on for W.S. defendant No. 1 to 3, 6 to 10, 13 to 16, 20, 23, 25, 29, 30, 31 to 35.

Reissue summons to defendant No. 4, 11 and 19 through RPAD by 27.10.2023.

ASCJ, Srirangapatna.

OS 173/2023 : 12.09.2023

Heard Sri. SSP advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 r/w sec. 151 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendant for the relief of partition and separate possession over the suit schedule properties contending that, suit schedule properties are joint family properties of plaintiff and defendant and he is entitled for share in the suit schedule properties.

Now the defendant is trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendant from alienating the properties. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of his application the plaintiff has sworn affidavit and produced Family G.Tree, RTC, MR, Demand Register copy, Will and other documents pertaining to the suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.1 and documents produced along with plaint. It appears that, there is an apprehension of defendant alienating the suit schedule properties. The plaintiff claims that he is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as they claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendant. If exparte T.I. is not granted as prayed in I.A.1, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the

plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant as prayed in I.A.No.1 and the defendants are restrained not to alienate the suit schedule properties, if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.1 and suit summons to defendant if PF and copies furnished. R/by 12.10.2023.

ASCJ, SRIRANGAPATNA

OS 84/2023 : 11.09.2023

Sri. GR advocate for defendants filed IA No. 2 U/s 148 of CPC for enlargement of time to file written statement of defendants.

Perused IA and same is allowed.

Call on for W.S. of defendants by 03.10.2023.

ASCJ, Srirangapatna.

OS 82/2023 : 11.09.2023

Sri. HLP advocate for defendant No. 2 and 3 filed IA No. 1 U/o 9 rule 7 of CPC to set side the exparte order passed against the defendant No. 2 and 3 with vakalath and W.S of defendant No. 2 and 3.

On the other Sri. SSP advocate for plaintiff submits IA may be allowed with heavy cost.

Perused IA and affidavit and same is allowed with cost of Rs. 500/- and exparte orders

passed against defendant No. 2 and 3 are hereby set side and W.S defendant No. 2 and 3 taken as on record.

Counsel for Plaintiff submits case will not settled between the parties. Hence, Issues framed. Call cross of PW1 by 23.09.2023.

ASCJ, Srirangapatna

MVC 749/2018 : 11.09.2023

Sri. DCG advocate for petitioner filed IA No. 4 U/s 151 of CPC for reopen the case from the stage of arguments and also filed IA No. 5 U/o 18 Rule 17 of CPC for recall of PW1 for the purpose of further chief examination.

Peruse IA and affidavits same are allowed in the interest of justice and equity.

PW1 present. Ex.P 9 to 15 are got marked. Call on for cross examination of PW1 by 15.09.2023.

ASCJ, Srirangapatna.

MVC 1016/2021 President

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OS 07/2020 : 08.09.2023

Sri. CRS advocate for defendant No. 14 filed IA No. 8 U/s 151 of CPC seeking permission to file written statement of defendant No. 14 and along with W.S.

On the other hand Sri. KSN advocate for plaintiff submits IA No. 8 filed by the defendant No. 14 may be allowed with cost.

Perused IA and same is allowed with cost of Rs. 300/-

And W.S of defendant No. 14 taken as on record.

Call on for Addl. Issues by 04.10.2023.

CC 10/2020

Accused present. Sri. SP, advocate for accused filed an application u/s 70(2) of CrPC for recall of NBW against the accused.

Perused the application and same is allowed with penalty of Rs.200/-.

Call on for plea by 16.10.2023.

C/c. PSCJ & JMFC, Srirangapatna.

MC 54/2019 : 08.09.2023

Smt. BSN advocate for petitioner is present and prays time for taken steps.

Perused order sheet from the filing of petition. The petitioner is not appear and steps not taken.

It shows the petitioner is not interested to proceed with the case against the respondent.

Hence prayer made by the counsel for petitioner is hereby rejected. And petition is dismissed for default.

C/c. PSCJ & JMFC, Srirangapatna.

OS 60/2019 : 08.09.2023

Smt. LV advocate filed vakalath

and W.S of GPA holder of defendant No. 5.

And filed IA No. 5 U/s 151 of CPC seeking reopen the case from the stage of arguments.

On the other hand Sri. HR advocate for plaintiff submits IA No. 5 filed by the defendant No. 5 may be allowed with heavy cost.

Perused IA and same is allowed with cost of Rs. 500/- and case is re-opened with condition that on next date of hearing shall lead the evidence of defendant No. 5 without fail. By 11.09.2023.

ASCJ, Srirangapatna.

The defendant No.3 is absent. Counsel for defendant No.3 is present.

The defendant No.3 has filed the application u/s 151 of CPC seeking pass an order for revalidates the final decree obtained by the defendant No.3.

Perused IA and affidavit, the defendant No.3 stated that she has obtained final decree on stamp paper from this court but she is not produced before the Sub Registrar for registration is in time due to unavailable circumstances, the reasons assigned by the defendant No.3 is to be acceptable one. Therefore, I proceed to pass following,

ORDER

The application u/s 151 of CPC filed by the defendant No.3

is hereby allowed.

Office is directed to revalidates the decree.

C/c. PSCJ, SRIRANGAPATNA

OS 61/2020

Sri. MSS, advocate for defendant filed retirement memo.

Sri. JS, advocate filed power for plaintiff

To hear on retirement memo and vakalath for the plaintiff by 25.10.2023.

C/c. PSCJ, SRIRANGAPATNA

MVC 2300/2019

Sri. NKS, advocate for petitioner filed IA No.3 U/s 151 of CPC for reopen the from state of arguments and also filed IA No.4 u/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Respondents absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA No.3 is allowed. Consequently, Commissioner is appointed.

Sri. NKS advocate for petitioner suggests name of Sri. MP, advocate as Commissioner for examination of petitioner.

Sri. MP, advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP, advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 30.09.2023.

OS 128/2018

Sri. BNG, advocate for D1 to 4 and 6 filed addl. W/s.

Sri. GM, advocate for D5 filed IA No.12 U/s 151 of CPC seeking permission to file objection to the IA and u/o 39 rule 1 and 2 of CPC with objections. Perused IA and same is allowed. Objection to IA No. 11 taken on record.

Call on to hear on IA No.11 by 25.09.2023.

ASCJ, SRIRANGAPATNA.

EX 167/2019

The Jdr is produced under arrest warrant through Bailiff by name Sri. Aradhya at 1.30 P.M. on enquiry is arrested at 12 pm at Hosahalli village. The JDR is prays time to pay decree amount for one week. In view of submission made by the counsel for Jdr and Jdr. The arrest warrant issue against Jdr is recalled and case is referred to Lok Adalath on 09.09.2023.

OS 184/2022

Sri. HRR, advocate for D14 filed IA no.5 u/s 151 of CPC seeking permission to file w/s of D14 and along with w/s. Perused IA and same is allowed with cost for Rs.300/- and w/s of D14 taken as on record.

Reissue SS to D3 through RPAD if PF is paid, r/by 12.10.2023.

ASCJ, SRIRANGAPATNA

MVC 1725/2018

Sri. NP. Advocate for R2 file IA nO.6 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness by condoning the delay and along with witness list.

Perused the IA and same is allowed and witness list taken on record.

Issue summons to RTO, Mandya to produce documents and adduce evidence as prayer. Call for further respondent evidence by 06.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1752/2019

Sri. KVY, advocate for petitioner filed IA No. 7 U/o 18 Rule 17 of CPC for recall and to permit the lead Doctor evidence.

Perused IA and same are allowed.
Call on for further petitioner evidence 29.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1304/2021

Sri. KVY advocate for petitioner filed IA No. 1 U/o 16 rule 6 of CPC. Issue summons to Dr. Karunakar, Orthopedic, Nagarajegowda, Memorial Hospital, Mysore to produced k sheet, And X-ray and other documents of petitioner and adduce evidence.

Perused IA and same is allowed. Issue hand summons to Dr. Karunakar, Orthopedic, Nagarajegowda Memorial Hospital, Mysore Call for further petitioner evidence by 04.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

MVC 1435/2022

Sri. MVS, advocate for respondent No.2 filed IA No.2 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath and objections.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside and objection taken as on record.

Call on for issues y 27.09.2023.

ASCJ & MACT, SRIRANGAPATNA.

MVC 1710/2022

Sri. KMB, advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Call on for w/s of respondent No.2 by 05.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

MVC 408/2023

Sri. KPK, advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Call on for w/s of respondent No.2 by 10.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

ASCJ & MACT., SRIRANGAPATNA

MVC 340/2023

Sri. KVY, Advocate filed IA No.1 u/o 1 rule 10(2) of CPC seeking implead the IA schedule person as proposed respondent No.3 and along with amended petition.

Issue notice to proposed R3 on IA No.1 if PF is paid, r/by 27.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

MVC 341/2023

Sri. KVY, Advocate filed IA No.1 u/o 1 rule 10(2) of CPC seeking implead the IA schedule person as proposed respondent No.3 and along with amended petition.

Issue notice to proposed R3 on IA No.1 if PF is paid, r/by 27.10.2023.

ASCJ & MACT., SRIRANGAPATNA

ASCJ & MACT., SRIRANGAPATNA

OS 157/2006

Smt. LV, advocate for plaintiff filed IA No.12 U/s 151 of CPC for reopen the case from the stage of arguments. IA No.13 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of lead further chief examination and filed IA No.14 u/o 7 rule 14(3) of CPC seeking permission to list with document by condoning the delay and along with list with one document.

On the other hand defendant and their counsels called out absent. Hence, objection taken as not filed.

Perused the order sheet and memorandum of facts annexure in the IAs. The plaintiff has filed this suit against the defendants on 05.07.2006 for partition and separate possession over the suit schedule properties. The trial is completed and today the case is set out for arguments. Now plaintiff has filed these three applications. The applications filed the plaintiff are to be allowed with cost in the interest of justice and equity. Therefore, I proceed pass following:

ORDER

IA No. 12 to 14 filed by the plaintiff are hereby allowed with cost of Rs.2,000/- each. The cost amount should pay on next date of hearing without fail, in case court order not complied automatically orders passed on IA No.12 to 14 are set aside.

Call on 11.09.2023.

OS 162/2021

Sri. SKG, advocate for plaintiff filed IA No.9 u/s 151 of CPC for reopen the case from the stage of cross of PW1.

On the other hand Sri. DRN, advocate for Defendant No.1 IA No.9 filed by the plaintiff may be allowed with heavy cost.

Perused IA and affidavit same is allowed with cost of Rs.500/-.

Sri. SKG, advocate for plaintiff filed further chief examination of PW1 by way affidavit.

Call on for further chief of PW1 as last chance by 11.09.2023.

ASCJ, SRIRANGAPATNA

EX 14/2023

Sri. SRA, advocate for JDR filed memo along with copy of Misc. Petition filed by the Jdr before this court.

Sri. DRN, advocate for Dhr file IA No.2 u/o 21 rule 54 r/w/s 151 of CPC seeking for attachment immovable property mentioned in the IA schedule and along with documents.

Sri. SRA, advocate for JDR prays time to file objections. On

perusal of order sheet and submission made by the Jdr it appears that the Jdr is intensionally avoid for execution of decree. Hence, Prayer is rejected and objections taken as not filed.

Perused IA and affidavit the property is stands in the name of Jdr No.2 and Jdrs have constructed house and residing in the IA schedule house. Therefore, I proceed the pass following;

ORDER

IA No.2 filed by the Dhr is hereby allowed.

Issue attachment warrant of immovable property as prayer for. Call on for report by 25.09.2023.

ASCJ, SRIRANGAPATNA

Sri. CKP advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. CKP advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 14.09.2023 and direct respondent No.1 to appear before this Court on 02.11.2023.

Sri. CKP advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 02.11.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 112/2023

Sri. GMV, advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with affidavit and documents.

On the other hand Sri. GSN, advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for await process of respondent no.1 by 27.09.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 109/2021

Sri. MJJ, advocate for plaintiff filed IA No.19 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.18. Heard arguments on IA No.19 and perused record. It appears that though this court has issued summons to defendant No.18 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendant No.18. Hence, IA No.19 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant by way of paper publication.

Sri. MJJ, advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant reside or carries business for their livelihood on or before 15.09.2023 and direct defendant No.18 to appear

before this court on 09.11.2023.

Sri. MJJ, advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.18 by 09.11.2023.

ASCJ, SRIRANGAPATNA

ASCJ & MACT, SRIRANGAPATNA

OS 148/2022

Sri. SS, advocate for defendant No. 3 filed IA No.1 u/o 9 rule 7 of CPC seeking pass an order to set aside exparte order passed against defendant No.3 and along with vakalath.

On the other hand Sri. HR, advocate for plaintiff submits IA No.1 filed by the defendant No.3 may be allowed.

Perused IA and same is allowed.

Call on for W/s of defendant No.3 by 27.09.2023.

ASCJ, SRIRANGAPATNA

Ex 91/2017

Case called out. Sri. GPJ, advocate for Dhr is present and prays time to taken steps. The Dhr has filed this execution petition in the year 2017, the cause notice to Jdr is served by way of affixure. On perusal of order sheet it appearance that, the Dhr as not knowledge where is Jdr is residing, even after service of cause notice to jdr by way affixure so many times is court as ordered for issue arrest notice to the Jdr till today, the arrest notice is not duly served on Jdr. Hence, prayer is rejected and EP is dismissed for default for timing being.

The Dhr at liberty to file fresh execution petition after trace out the address of Jdr.

ASCJ, SRIRANGAPATNA

.FDP 6/2021

Smt. LV., advocate for petitioner filed IA No.1 u/o 26 rule 13 r/w Sec. 151 of CPC seeking for appointment of court commissioner.

Respondents are all exparte. Hence objection taken as not filed.

Perused IA and affidavit and same is allowed.

The ADLR is appointed as court commissioner. Commissioner is fixed for Rs.2,000/-.

Issue commissioner warrant if PF is paid and deposited commissioner fee. Call on for await commissioner report by 26.10.2023.

ASCJ, SRIRANGAPATNA

MVC 1519/2019

Case called out. Sri. GSN, advocate for petitioner is present and prays time for petitioner evidence.

Perused the order sheet the case was set out for petitioner evidence on 10.03.2023 from that date till today. The petitioner is

continuously absent. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ , SRIRANGAPATNA.

OS 36/2022

Sri. IKR, advocate for defendant No.1 and 2 filed IA no.8 u/s 151 of CPC seeking permission to file w/s of defendant 1 and 2 and along with w/s.

On the other hand plaintiff and their counsels called out absent. Hence, taken as not filed.

Perused the IA and same is allowed and w/s taken on record. Call on for IA No. 7 by 30.09.2023.

ASCJ, SRIRANGAPATNA.

Ex 89/2019

The Jdr is produced under arrest warrant by bailiff by name Narasimhaiah at 3.10 p.m. in the open court on enquiry the Jdr submits that he has arrested at 12.30 p.m. and he is aged about 81 years and physical handicapped. Hence, it appears that the Jdr is not fit to send civil prison. Therefore, I proceed to pass following;

ORDER

Arrest warrant issued against Jdr is hereby recalled.

Case is referred to Lok-Adalath on 09.09.2023.

ASCJ, SRIRANGAPATNA.

MVC 422/2021

Sri. SS, advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Call on for W/s of respondent No.2 by 29.09.2023.

ASCJ & MACT, SRIRANGAPATNA.

OS 80/2015

Sri. DL, advocate for plaintiff file IA no.31 U/s 151 of CPC seeking reopen the case of arguments. And also filed IA no.32 u/o 18 rule 17 of CPC for recall of DW1 to 3 for the purpose of cross examination.

Objection to IA No.31 and 32 by 05.09.2023.

ASCJ, SRIRANGAPATNA.

Ex 27/2021

Jdr No.1 and 2 called out absent. Issue arrest warrant against Jdr No.1 and 2, r/by 26.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 30/2021

Sri. NMG, advocate for Jdr paid Rs.1,000/-. Case is referred to Lok-Adalath on 09.09.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 35/2021

Reissue attachment warrant of movables of Jdr, r/by 31.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 38/2021

Issue arrest warrant against JDr r/by 25.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 56/2021

Reissue cause notice to JDr through RPAD, if PF is paid and correct address furnished, r/by 11.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 58/2021

Reissue attachment warrant of movables of Jdr, if PF is paid, r/by 10.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 66/2021

Reissue attachment warrant of movables of Jdr, r/by 10.10.2023.

C/c. PSCJ, SRIRANGAPATNA

Ex 80/2021

Case is referred to Lok-Adalath on 09.09.2023.

C/c. PSCJ, SRIRANGAPATNA

Ex 81/2021

Reissue arrest warrant against the JDR, r/by 10.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 86/2021

Reissue attachment warrant of movables of JDr, r/by 09.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 93/2021

Reissue attachment warrant of movables of Jdrs, r/by 05.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 166/2022

Sri. MM, advocate for Jdr has filed memo along with copy of MFA No.2734/2023 which pending before the Hon'ble High Court of Karnataka.

In view of MFA pending before the Hon'ble High Court of Karnataka for time being EP is disposed off.

ASCJ, SRIRANGAPATNA

EX 39/2023

Sri. KPK, advocate for Jdr has filed memo along with copy of MFA No.8476/2022 which pending before the Hon'ble High Court of Karnataka.

In view of MFA pending before the Hon'ble High Court of Karnataka for time being EP is disposed off.

ASCJ, SRIRANGAPATNA

EX 69/2021

Reissue remainder to court commissioner as well as counsel for Dhr r/by 07.09.2023.

ASCJ, SRIRANGAPATNA

EX 104/2021

Reissue cause notice to Jdr no.1
if, PF paid r/by 09.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 122/2021

Issue attachment warrant of movables of Jdr, r/by 09.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 138/2021

Sri. MRV, advocate for JDrs paid Rs.10,000/-. Call on for balance by 29.09.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 143/2021

Reissue cause notice to Jdr No. 2 to 4, r/by 25.10.2023.

C/c. PSCJ, SRIRANGAPATNA

Ex 30/2022

Objection taken as not filed. Issue attachment warrant of movables of Jdr, r/by 10.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 44/2022

Steps by 27.09.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 54/2022

Arrest notice is duly served on Jdr. Called out absent. Issue arrest warrant against Jdr, r/by 05.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 68/2022

Sri. LR, advocate for JDr prays time to file objection there is no grounds. Objection taken as not fled. Issue arrest notice to JDr through RPAD, r/by 05.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 69/2022

Reissue attachment warrant of movables of JDr, r/by 09.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 81/2022 to 100/2022

For payment by 12.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 117/2022

Sri. SRS, advocate for JDR paid Rs.20,000/-. Call on for balance by 03.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 125/2022, 146/2022, 148/2022

Steps by 04.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 144/2022

Reissue cause notice to Jdr No.1, r/by 12.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 176/2022

Reissue attachment warrant of movables of JDr, r/by 07.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 33/2023

Arrest notice is duly served on Jdr. Called out absent. Issue arrest warrant against JDR if, PF is paid and necessary charges paid, r/by 09.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 41/2023

Sri. NVR, advocate filed power for Jdr. Prays time to file objections. Call on for objection by 07.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 49/2023

Reissue attachment warrant of movables of JDR, r/by 09.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 48/2023

Reissue attachment warrant of movables of JDR, r/by 09.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 75/2023

JDR called out absent. Issue attachment warrant of movables, r/by 06.10.2023.

C/c. PSCJ, SRIRANGAPATNA

EX 76/2023

JDR called out absent. Issue attachment warrant of movables, r/by 06.10.2023.

C/c. PSCJ, SRIRANGAPATNA

MVC 343/2023

Sri. PAS, advocate for respondent No.3 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.3 is hereby set aside.

Sri. DPK, advocate for petitioner filed IA No. 2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent No.2. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to respondent on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against respondent No.2. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against respondent by way of paper publication.

Sri. DPK, advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent reside or carries business for their livelihood on or before 08.09.2023 and direct respondent to appear before this Court on 07.10.2023. Sri. MKS, advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent by 07.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 422/2023

Sri. PAS, advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with affidavit and documents.

On the other hand Sri. HSK, advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 16.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 729/2023

Sri. NMN, advocate filed W/s and objections of respondent No.1 and along with list with documents.

Sri. DGN, advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Call on for W/s of respondent No.2 by 29.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 407/2023

Sri. MKS, advocate for petitioner filed IA No. 2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent No.2. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to respondent on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against respondent No.2. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against respondent by way of paper publication.

Sri. MKS, advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where

respondent reside or carries business for their livelihood on or before 06.09.2023 and direct respondent to appear before this Court on 31.10.2023. Sri. MKS, advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent by 31.10.2023.

ASCJ & MACT, SRIRANGAPATNA

EX. 23/2023

Sri. DPK, advocate for Dhr filed IA No.1 u/s 224 of K.C.R.P. for appointment of special process server to execute decree.

Heard Sri. DPK, advocate for decree holder on IA No.1. It appears that the decree holder has sought for issue of Attachment of Warrant for Movables of Jdr for execution. It appears that this Court has issued notices to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the petitioner to take steps by attachment movables of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 1 is allowed. Special ameen charges is fixed for Rs. 500/-.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 25.09.2023.

ASCJ, SRIRANGAPATNA

MVC 406/2020

Sri. KSN, advocate for petitioner filed IA No. 3 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent No.1. Heard argument on IA No.3 and perused record. It appears that though this court has issued notice to respondent on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against respondent No.1. Hence IA No.3 is allowed. Consequently, the petitioner is permitted to take sub service against respondent by way of paper publication.

Sri. KSN, advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent reside or carries business for their livelihood on or before 06.09.2023 and direct respondent to appear before this Court on 31.10.2023. Sri. KSN,

advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent by 31.10.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 106/2020

Sri. KK, advocate for defendant No. 1 to 5 and 7 filed IA No.2 u/s 151 of CPC seeking permission to filed w/s of defendant No.1 to 5 and 7 and along with W/s.

On the other hand Sri. JSK, advocate for plaintiff submits IA No.2 filed by the defendant No.1 to 5 and 7 may be allowed with heavy cost.

Perused IA and same is allowed with cost of Rs.300/-

Call on for compliance u/s 89 of CPC by 04.09.2023.

ASCJ, SRIRANGAPATNA.

OS 58/2022

Sri. RL, advocate for defendant No. 13 filed IA No.3 u/o 9 rule 7 of CPC seeking pass an order to set aside exparte order passed against defendant No.13 and along with vakalath.

On the other hand Sri. SRS, advocate for plaintiff submits IA No.3 filed by the defendant No.13 may be allowed with heavy cost.

Perused IA and same is allowed with cost of Rs.300/-

Call on for W/s of defendant No.13 by 11.09.2023.

ASCJ, SRIRANGAPATNA

MVC 2048/2019

Sri. MGP advocate for petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Respondents absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA No.3 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. MP, advocate as Commissioner for examination of petitioner.

Sri. MP, advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP, advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 26.10.2023.

ASCJ & MACT, SRIRANGAPATNA.

Heard arguments on IA No.4.

The counsel for defendant filed IA No.4 u/s 151 of CPC seeking pass on order for written of plaint and present the same before the jurisdictional court.

On the other hand Smt. LV, Advocate for plaintiff file objections.

Perused contents of application and entire records. The defendants have already filed IA No.3 and that application was dismissed by this court on 08.09.2022. And on the same grounds again they have filing file same grounds by changing the provisions of CPC. Hence, this application is not

maintainable. Therefore, I proceed to pass following;

ORDER

IA No.4 filed by the defendants is hereby dismissed.

No order has to cost.

ASCJ & MACT, SRIRANGAPATNA

<u>ಆದೇಶ</u>

- ವಾದಿಗಳು ದಿವಾಣಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 39 ನಿಯಮ 1 ಮತ್ತು 2 ರಡಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ಮಧ್ಯಂತರ ಅರ್ಜಿ ನಂ.**6** ಅನ್ನು ಪುರಸ್ಕರಿಸಲಾಗಿದೆ.
- ಪ್ರತಿವಾದಿಗಳು ಈ ದಾವೆ ಇತ್ಯರ್ಥವಾಗುವರಗೆ ದಾವಾ ಆಸ್ತಿಗಳನ್ನು ಮತ್ತು ಈ ಅರ್ಜಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ಅನುಸೂಚಿ ಸ್ವತ್ತುಗಳನ್ನು ಯಾರಿಗೂ ಯಾವುದೇ ರೀತಿ ಪರಭಾರೆ ಮಾಡಬಾರದು ಎಂದು ತಾತ್ಕಾಲಿಕ ನಿರ್ಬಂಧಕಾಜ್ಞೆ ಆದೇಶದ ಮುಖಾಂತರ ನಿರ್ಬಂಧಿಸಲಾಗಿದೆ.

- ಖರ್ಚಿನ ಬಗ್ಗೆ ಯಾವುದೇ ಆದೇಶ ಇಲ್ಲ.

(ಶ್ರೀ.ಮಹದೇವಪ್ಪ.ಹೆಚ್.)
ಅಪರ ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು,
ಶ್ರೀರಂಗಪಟ್ಟಣ.

Issue notice to respondent No.1 and 2 through RPAD, r/by 09.10.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 358/2022

Sri. MS, advocate for respondent No.1 filed IA No.1 U/s 151 of CPC seeking permission to file objections to main petition and along with objections.

Perused IA and same is allowed.

And also filed IA No. 2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent No.4. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to respondent on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against respondent No.4. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against respondent by way of paper publication.

Sri. GSN, advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent reside or carries business for their livelihood on or before 06.09.2023 and direct respondent to appear before this Court on 31.10.2023. Sri. GSN, advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent by 31.10.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 57/2021

Case called out. Counsel for plaintiff is present. Perused the order sheet. The plaintiff has filed this suit against the defendants for partition the separate possession over the suit schedule properties. But from the date of filing till today the plaintiff is not appeared before this court. Is shows that the plaintiff is not interested to not proceed against defendant.

Hence prayer made by the counsel for plaintiff is hereby rejected and suit is dismissed for default.

ASCJ, SRIRANGAPATNA.

OS 199/2022

Sri. CSV, advocate for defendant no.5 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of defendant No.5 and along with written statement.

On the other hand Sri. MS, advocate for plaintiff called out absent. Hence, objections taken as not filed. W/s of defendant No.5 taken on record and adopt the same to the IA No.1.

Call on for issues by 06.10.2023.

ASCJ, SRIRANGAPATNA

OS 80/2015

Sri. MRS advocate for D17 filed IA no.28 for reopen the case from the stage of cross examination, IA No.29 U/o 8 rule 1(a) of CPC seeking permission to produce list with documents by condoning the delay and IA No.30 U/o 18 rule 17 of CPC for recall of DW5 for the purpose of further chief examination. Perused the IAs and same are allowed in the interest of justice an equity. Case is reopen, list with document taken on record.

DW4 and 5 are fully cross examined. Call on for cross examination of DW1 to 3 by 31.08.2023.

ASCJ, SRIRANGAPATNA.

OS 11/2022

Sri. HR, advocate for plaintiff filed memo for extension of Status-co-order. Perused the memo and same is accepted. W/s and objections of Defendant No.2 and 4 taken as not filed.

Reissue summons to defendant No.3 through RPAD, if PF is paid and furnished RPAD cover with stamps. Status-co is extended till next date of hearing. Call on fro appearing of defendant no.3 by 05.10.2023.

ASCJ, SRIRANGAPATNA.

OS 139/2023

Sri. BPB, advocate filed power of defendant No.1 and 2. Sri. PR, advocate filed power for defendant No.3. Call on for await process of defendant 4 and w/s and objections of defendant No.1 to 3 by 29.09.2023.

ASCJ, SRIRANGAPATNA.

OS 158/2018

Sri. HR, advocate for plaintiff file IA No.14 U/o 16 Rule 1 and 2 of CPC seeking permission to file list of witness by condoning the delay and along with witness list. Perused the IA and same is allowed. List of witness taken on record.

And also filed examination in chief of PW2 and 3 by way of affidavit. Call on for cross examination of PW2 and 3 by 04.09.2023.

ASCJ, SRIRANGAPATNA.

OS 42/2022

Sri. KJV, advocate for plaintiff filed IA No.2 u/o 7 rule 14(3) of CPC seeking permission to produce list with document by condoning the delay and along with list with document. Perused IA and same is allowed and list with document taken on record.

The plaintiff is directed to pay court fee in accordance with law. Call on for compliance by 07.10.2023.

ASCJ, SRIRANGAPATNA.

MVC 1072/2018

Sri. SEL, advocate filed memo along with copy of insurance policy.

On the consent of counsel for petitioner policy are got marked Ex.R.1 and 2 and further respondent evidence closed.

Arguments by 20.09.2023.

ASCJ & MACT, SRIRANGAPATNA

Defendant No.4 and their counsels called out absent. Hence, W/s of defendant No.4 taken as not filed.

Sri. AVG, advocate for defendant no.2 filed IA No.5 u/s 151 of CPC seeking permission to file written statement of defendant No.2 and along with written statement.

On the other hand Sri. PS, advocate for plaintiff submits no objections. W/s of defendant No.2 taken on record.

Call on for issues by 29.09.2023.

ASCJ, SRIRANGAPATNA

MVC 439/2022

Sri. SB, advocate for respondent No.2 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement of respondent No.2.

On the other hand Sri. GSN, advocate for petitioner submits no objection.

Perused and same are allowed. W/s of respondent No.2 taken on record. Call on for issues by 27.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 438/2022

Sri. SB, advocate for respondent No.2 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement of respondent No. 2 .

On the other hand Sri. GSN, advocate for petitioner submits no objection.

Perused and same are allowed. W/s of respondent No.2 taken on record. Call on for issues by 27.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 95/2023

Sri. GNR, advocate filed IA No.2 u/o 1 Rule 10(2) of CPC to implead the IA schedule person was respondent no.2 and along with vakalath. Call on for objections by 27.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 621/2023

W/s of respondent no.2 taken as not filed.

Sri. CMB, advocate filed vakalath and objection of respondent No.1. Call on for issues by 08.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 633/2023

Sri. GKP, advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Call on for W/s of respondent No.2 by 19.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 834/2023

Sri. BDP, advocate for respondent No.2 filed vakalath and objections of respondent no.2 and also filed IA No.1 u/o 1 rule 10(2) of CPC seeking for delete the respondent no.2.

Call on for objections by 22.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 658/2023

Sri. GMV, advocate for respondent No.3 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath and objection statement.

Perused IA and same is allowed. Exparte order against the respondent No.3 is hereby set aside and objection taken as on record.

Call on for W/s of respondent No.2 by 15.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 644/2023

Sri. SJD, advocate for respondent No.3 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath and objection statement.

Perused IA and same is allowed. Exparte order against the respondent No.3 is hereby set aside and objection taken as on record.

Reissue notice to respondent No. 1 if P.F. is paid. Returnable by 11.10.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 796/2023

Sri. PAS, advocate filed power for respondent No.2 and also filed IA No.1 u/o 7 rule 11(b) r/w/s 151 of CPC and 166 of IMV Act for rejection of petition.

Call on for objections by 11.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 587/2022

Sri. NKS, advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement of respondent No. 2 .

And also filed IA No.3 u/s 170 of IMV act seeking permission to take all the defenses available to the respondent No.1.

On the other hand Sri. MGP, advocate for petitioner submits no objection.

Perused and same are allowed. W/s of respondent No.2 taken on record and permitted to respondent No.2 is permitted to taken defense available to the respondent No.1. Issues framed.

Call on for petitioner evidence by 25.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 378/2021

Sri. KMB, advocate for petitioner filed IA No. 4 U/o 16 rule 6 of CPC. Issue summons to Dr. Asmath Jain, J.S.S, hospital, Mysuru to produced K sheet and X-ray and other documents of petitioner and adduce evidence.

Call on for objection to IA no.4 by 11.09.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 266/2020

Sri. NMM, advocate for petitioner filed IA No.4 U/s 151 of CPC. For reopen the case for further respondent evidence and also file IA No.5 U/o 1 Rule 10(2) of CPC to implead the IA schedule person as respondent No.3. Issue notice to proposed respondent No.3 on IA No.5 through RPAD, if PF is paid and furnish copies r/by 06.10.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 22/2022

Sri. PNS, advocate filed IA No.3 U/o 9 rule 7 of CPC for set aside the exparte order passed against the defendant No.4 and along with vakalath.

On the other hand Sri. KK advocate for plaintiff submits no objections. Perused IA and same is allowed. Call on for written statement of defendant No.4 by 19.09.2023.

ASCJ, SRIRANGAPATNA

OS 18/2023

EX. 61/2023

Case advanced.

Sri. SS, advocate for Dhr filed IA No.1 u/s 224 of Karnataka Civil Rules of Practice for appointment of special process server to execute Attachment warrant for movables of **Jdr.**

Heard Sri. SS, advocate for decree holder on IA No.1. It appears that the decree holder has sought for Attachment warrant for movables of Jdr. for execution. It appears that this Court has issued process to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the Dhr to take steps by attachment bank account of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him. Hence, IA No.1 is allowed. Special ameen charges is fixed for Rs. 500/-.

Office is ordered to issue attachment warrant for movables of Jdr, if PF and charges of ameen furnished as per law.

Call on hearing date.

C/c. PCJ, SRIRANGAPATNA

RA 17/2019

Sri. SA, advocate for appellant filed IA No.V u/o 22 Rule 4 of CPC to bring the Lrs of respondent No.1, IA No.VI u/o 22 rule 9 of CPC for set aside the abatement orders and also filed IA No.VII u/s 5 of Limitation Act.

Issue notice to Lrs of respondent No.1 on IA No.V to VII r/by 05.10.2023.

C/c. PCJ, SRIRANGAPATNA

OS 30/2018

The LRs of defendant and their counsels are present.

The counsel for plaintiff is also present.

Sri. CRS, advocate for LRs of defendant is present and received Rs. 25,00,000/- (Twenty Five Lakhs only) from the plaintiff in this regard have filed affidavit.

ASCJ, SRIRANGAPATNA

1738/2022 : 26.08.2023

Sri. APN advocate filed memo along with paper publication. Respondent No. 2 called out absent. Placed Ex-parte.

Case is referred to Lok-adalath by 09.09.2023.

PSCJ and JMFC,
Srirangapatna.

MVC 510/2020 : 24.08.2023

Sri. GKP advocate for respondent No.3 filed IA No. 5 u/o 9 Rule 7 of CPC to set aside the ex-parte order passed against the respondent No.3 and along with vakalath and W.S of respondent No. 3.

Perused IA and same is allowed. Exparte order passed against the respondent No.3 is hereby set aside.

Call on for issues, by 29.08.2023

ASCJ & MACT, SRIRANGAPATNA

OS 80/2015

Sri. PS, Advocate for Defendant No.18 and LRs of defendant No.19 filed IA No.26 u/s 151 of CPC seeking permission to lead further evidence of LRs of defendant No.19 i.e., DW4.

And also filed IA No.27 u/o 8 rule 1(a) r/w/s 151 of CPC seeking permission to produce list with document by condoning the delay and along with list with document.

Perused IAs and same are allowed in the interest of justice and equity. DW4 is recalled and list with document taken on record.

DW4 present. Ex.D.23 to 38 are got marked.

Sri. MRS, Advocate for defendant No.17 filed examination in chief of DW5 by way of affidavit.

Call on for cross of DW1 to 5 by 30.08.2023.

ASCJ, Srirangapatna.

MVC 585/2021 : 04.07.2023

Sri. PAS advocate for respondent No.2 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement of respondent No. 2

On the other hand Sri. NNB advocate for petitioner submits application may be allowed with cost.

Perused IA and same is allowed.

Call on for written statement Respondent No.2 taken as on record. Call on issues by 18.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 788/2022 : 04.07.2023

Sri. SS advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement of respondent No. 2

On the other hand Sri. DPK advocate for petitioner submits application may be allowed with cost.

Perused IA and same is allowed.

Call on for written statement Respondent No. 2 taken as on record. Call on issues by 12.07.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri.N.P. Advocate for Respondent No.2 filed I.A.No.1 U/o 9 R.7 of CPC seeking for set-aside the exparte order passed against the respondent No.2 with Vakalath and statement of respondent No.2.

And also field IA No.2 u/s 170 of IMV act seeking permission to take all the defenses available to the respondent No.1.

Perused and same are allowed. Exparte order passed against the respondent No.2 is hereby set-aside and Written statement of respondent No.2 taken as on record. Respondent No.2 is permitted to taken defense available to the respondent No.1. Call on for Issues by 14.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 789/2022 : 04.07.2023

Sri. SS advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement of respondent No. 2

On the other hand Sri. DPK advocate for petitioner submits application may be allowed with cost.

Perused IA and same is allowed.

Call on for written statement Respondent No. 2 taken as on record. Call on issues by 12.07.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. BNG advocate for plaintiff filed application u/s 152 of CPC seeking pass an order for amend the final decree as per schedule mentioned in the IA and also filed compromised petition U/O 23 rule 3 of CPC. Perused plaint the suit schedule properties. These properties extent are not tally with the extent mentioned in the RTC extracts. Now the counsel for plaintiff filed memo along with RTC it shows that the suit schedule properties extents are wrongly mentioned. It is to be corrected to give justice to the parties. It is the clerical mistake. It can be rectified at any point of time. Therefore I proceed to pass following,

ORDER

Application u/s 152 filed by the petitioner is hereby allowed.

The office is directed to correction the clerical mistake in the final decree. As per compromised petitioner filed by the both parties dated 28.06.2023.

ASCJ, SRIRANGAPATNA

MVC 1545/2022 : 03.07.2023

Sri. IKR advocate for petitioner filed IA No. 1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to respondent on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against respondent. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against respondent by way of paper publication.

Sri. IKR advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent reside or carries business for their livelihood on or before 10.07.2023 and direct respondent to appear before this Court on 28.08.2023

Sri. IKR advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent by 28.08.2023.

ASCJ & MACT, SRIRANGAPATNA

Ex. 30/2020 : 03.07.2023

Sri. SSP advocate for Dhr filed IA No.1 U/o 26 rule 9 of CPC for appointment of commissioner for execute of sale deed in respect of the EP schedule property.

Jdr called out. Absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the Dhr has sought for appointment of court Commissioner for the execute the sale deed in respect of suit schedule property in favour of Dhr, on perusal of entire records this Court is of opinion that it is fit case to appointing court commissioner to execute registered sale deed. Hence, IA 1 is allowed. Consequently, Commissioner is appointed. Sri. HR advocate for Dhr suggest name of Sri. CMT advocate as Court Commissioner for execution of sale deed.

Sri. CMT advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CMT advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. SSP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 03.08.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 198/2022 : 03.07.2023

Sri. MS advocate for plaintiff filed examination in chief of PW1 by way of affidavit.

Sri. CSV advocate for defendant filed IA No.1 U/o 9 rule 7 of CPC for set side exparte order passed against the defendant and along with vakalath.

Perused IA and same is allowed with cost of Rs. 200/-. and exparte orders passed against the defendant is hereby set side. Call on for W.S. of defendant by 17.07.2023.

ASCJ, SRIRANGAPATNA

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MVC 1460/2018 : 28.06.2023

Perused office note and records available in the file, the counsel for respondent No. 2 had filed application U/s 151 of CPC seeking to hear on maintainability of petition on jurisdiction basis on 05.08.2022.

On the other hand counsel for petitioner has filed objection to the application on 23.08.2022. After hearing on both sides case was posted for orders. Before passing orders on application I have gone through the address of the petitioner as well as placed of accident, the counsel for both parties have not properly convinced this court, to pass orders on maintainability of petitioner, Therefore this court has posted for to hear further, by over site I have detected the judgment, instead of passing orders on application, without go through the order sheet. And passed judgment and disposed the petition. By over site this type of mistake has done by this court. It is to be rectified the restore the petition it's original stage. If the petition is restore no loss and hardship would be caused to either parties. Therefore, I proceed to pass following.

:**Order**:

The MVC petition U/s 166 prayed by the petitioner is hereby restored its original stage.

Office is directed to taken the in

CIS.

ASCJ & MACT, SRIRANGAPATNA

OS 68/2023 : 28.06.2023

Sri. BSS advocate defendant No. 1 to 3 and 12 to 15 filed IA No. 1 U/s 148 of CPC for extension of time to file written statement.

Peruse IA and same is allowed.

Call on for W.S. defendant No. 1 to 3 and 12 to 15 by 02.08.2023

ASCJ, SRIRANGAPATNA

MVC 380/2020: 28.06.2023

Sri. MGP advocate for petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Respondents absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and

further petitioner evidence by 28.07.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 814/2019 : 27.06.2023

Sri. MKS advocate for petitioner filed IA No. 4 U/s 151 of CPC reopen the case from the stage of respondent evidence. Perused IA and same is allowed Sri. MP advocate filed court commissioner report.

And also filed IA No. 5 U/o 16 rule 1 and 2 of CPC seeking permission list of witness by condoning the delay and along with witness list.

On other hand Sri. SB respondent No. 2 submits no objections.

Case is reopened and witness list taken as on record.

Issue summons to Dr. Siddalingamurthy Orthopedic JSS Hospital Mysuru. prayed in the PF to produced documents and adduced evidence by 08.08.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 124/2019 : 27.06.2023

Smt. YJ advocate for plaintiff filed IA No. 6 U/o 22 rule 4 of CPC to bring the Lrs of defendant No. 6, IA No. 7 U/o 22 rule 9 of CPC for abatement of set side, IA No. 8 U/s 5 of Limitation Act and IA No. 9 U/o 6 rule 17 of CPC seeking permission to amended plaint.

Issue notice to Lrs of defendant No. 6 on IA No. 6 to 8 and objection to IA No. 9 by 09.08.2023.

ASCJ, SRIRANGAPATNA

MVC 1750/2019 : 27.06.2023

Sri. KVY advocate for petitioner filed IA No. 5 U/o 16 rule 6 of CPC. Issue summons to Dr. Ravi H.S. Brundavana hospital Mysore to produced k sheet, And X-ray and other documents of petitioner and adduce evidence.

Perused IA and same is allowed. Issue hand summons to Dr. Ravi H.S. Brundavana hospital Mysore Call for further petitioner evidence by 21.07.2023

ASCJ, SRIRANGAPATNA

EX. 21/2019 : 27.06.2023

Again at 5.35 PM case called out. No representation.

Perused order sheet the DHR has filed this execution on 19.02.2019. After that the Dhr and their counsels are not present and steps not taken. Even given sufficient opportunity to the Dhr. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, the execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MVC 585/2022 : 27.06.2023

Sri. MGP advocate for petitioner filed a memo to club MVC 585/2022 and 586/2022 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 586/2022 is clubbed with MVC 585/2022 and common evidence recorded in MVC 585/2022.

Petitioner in MVC 585/2022 and 586/2022 are examined as PW1 and 2 already got marked Ex.P 1 to 10 through PW1 today the petitioner in MVC 586/2022 is present and filed their affidavit in lieu of their examination in chief of PW1 and got marked Ex.P 11 to 15.

Call on for cross examination of PW1 and PW2 by19.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 779/2018, 780/2018 : 26.06.2023

Sri. MVR advocate for petitioner filed IA No. 5 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. IKR advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA No. 5 is allowed. Consequently, Commissioner is appointed.

Sri. MVR advocate for petitioner suggest name of Sri.SS advocate as Commissioner for examination of petitioner.

Sri. SS advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SS advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MVR advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 15.07.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 48/2023 : 26.06.2023

Sri. MS advocate for defendant No. 1 to 3 and Sri. SNS advocate for defendant No. 4 and 7 filed IA No. 5 and 6 U/s 151 of CPC seeking permission to file written statement of defendant No. 1 to 4 and 7 with adoption memo.

Perused IA's and same are allowed in the interest of justice and equity.
W.S. of defendant No. 1 to 4 and 7 taken as on record.

Sri. SMU advocate for plaintiff filed Memo for extension TI and list with

documents.

Perused memo and same accepted TI extended till next date of hearing.

Await process of defendant No. 6 and Lrs of defendant 12(e) and objection to IA's by 20.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 527/2023 : 26.06.2023

Sri. GNR advocate for respondent No.1 filed IA No. 1 u/o 9 Rule 7 of CPC to set aside the ex-parte order passed against the respondent No.1 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.1 is hereby set aside.

Call on for objections by 19.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 322/2018 : 26.06.2023

Sri. CKS advocate for petitioner filed IA No.4 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.4 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.4 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. CKS advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 10.07.2023 and direct respondent No.1 to appear before this Court on 28.08.2023

Sri. CKS advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 28.08.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 60/2019 : 26.06.2023

Smt. LV advocate for defendant No. 5 filed IA No. 2 U/s 151 of CPC for reopen the case from the stage of arguments. And also filed IA No. 3 U/o 18 Rule 17 of CPC for recall of PW1 for the purpose of cross examination.

On the other hand Sri. HR advocate for plaintiff submits IA's are may be allowed with heavy cost.

Perused IA's and same are allowed with cost of Rs. 200/- each in the interest of justice and equity.

Call on for cross of PW1 by 03.07.2023.

ASCJ, SRIRANGAPATNA

MVC 1097/2019 : 24.06.2023

Sri. CRD advocate for petitioner filed IA No. 3 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. HMN advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. CRD advocate for petitioner suggest name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at

Rs.2,000/-. Sri. CRD advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 26.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 276/2019 : 24.06.2023

Sri. MGP advocate for petitioner filed IA No. 3 U/s 151 of CPC for reopen the case from stage of Judgement and also filed IA No. 4 U/o 18 Rule 17 of CPC for recall of PW2.

Perused IA's and same are allowed.

And also examination in chief of PW2 by way of affidavit Ex.P 13 to 15 are got marked. Fully cross examined. Further petitioner evidence taken as closed.

Heard arguments, Judgment by 24.06.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 100/2014 : 24.06.2023

Sri. KNM advocate for defendant No. 3 filed IA No. 29 U/s 151 CPC seeking permission to file Addl. Written Statement of defendant No.3 and along with Addl. Written statement. And also filed memo along with notice issued by the DDLR, Mandya.

Call on for objection IA No.29 by 03.07.2023

ASCJ, SRIRANGAPATNA

OS 100/2023 : 24.06.2023

Sri. GSN advocate for plaintiff filed IA No. 2 U/o 22 rule 4(5)(a) and (b) R/w Sec 151 of CPC and IA No. 3 U/s 5 R/w Sec 121 of Limitation Act and U/o 22 rule 4(5) (b) R/w 151 of CPC for for set side of amendment of order and delay condonation call on for to abatement of 2 and 3.

For objections by 06.07.2023

ASCJ, SRIRANGAPATNA

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MVC 383/2022 : 23.06.2023

Sri. GKP advocate for respondent No.2 filed IA No. 3 u/s 151 of CPC seeking permission to file written statement of respondent No. 2 and along with written statement of respondent No. 2

On the other hand Sri. DSS advocate for petitioner submits application may be allowed with cost.

Perused IA and same is allowed.

Call on for written statement Respondent No. 2 taken as on record. Call on issues by 05.07.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 180/2022 : 23.06.2023

Sri. VV advocate for plaintiff filed Memo stating that IA No.1 filed by the plaintiff may be dismissed as not pressed.

In view of memo IA No. 1 is dismissed as not pressed.

Sri. DPK advocate filed power for defendant No. 10 along with no objections from previous counsel.

Sri. PG advocate for defendant No. 11 filed IA No. 3 U/s 151 of CPC seeking permission to file written statement defendant No. 11 and along with W.S. of defendant No. 11.

On the other hand Sri. VV advocate for plaintiff submits no objections.

Perused IA and same is allowed in the interest of justice and equity.

Sri. VV advocate for plaintiff filed IA No. 4 U/o 39 Rule 1 and 2 of CPC seeking pass an order TI against the defendant No. 11 pertaining Item No. 2 property.

W.S. of defendant No. 10 taken as not filed.

Call on for objection to IA No. 4 by defendant No. 11 returnable by 19.07.2023.

ASCJ , SRIRANGAPATNA

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MVC 773/2019 : 22.06.2023

Sri. DRN advocate for petitioner filed IA No. 6 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. HMN advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 6 is allowed. Consequently, Commissioner is appointed.

Sri. DRN advocate for petitioner suggest name of Sri. AKA advocate as Commissioner for examination of petitioner.

Sri. AKA advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. AKA advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DRN advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 05.08.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 163/2022 : 22.06.2023

Sri. GKP advocate for respondent No.2 filed IA No. 2 u/o 9 Rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for objections by 04.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 493/2020 : 21.06.2023

Sri. CSS advocate for petitioner filed memo stating that the petition may be dismissed against the respondent No. 2 in view of the memo filed by the counsel for petitioner, this petition is dismissed against the respondent No. 2.

Call on for petitioner evidence by 17.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 492/2020 : 21.06.2023

Sri. CSS advocate for petitioner filed memo stating that the petition may be dismissed against the respondent No. 2 in view of the memo filed by the counsel for petitioner, this petition is dismissed against the respondent No. 2.

Call on for petitioner evidence by 17.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1379/2020 : 21.06.2023

Sri. CSV advocate for respondent No.1 filed IA No. 2 u/o 9 Rule 7 of CPC to set aside the exparte order passed against the respondent No.1 and along with vakalath and also filed IA No. 3 U/s 151 of CPC seeking permission to file objections to main petition and along with objections.

Perused IA's and same are allowed. Exparte order passed against the

respondent No.1 is hereby set aside and objections taken as on record.

Case is referred to Lok-adalath by 08.07.2023.

ASCJ & MACT, SRIRANGAPATNA

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MVC 1714/2022 : 20.06.2023

Sri. DJN advocate for respondent No.2 filed vakalath and objection case is referred to Lok-adalath by 08.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 165/2021 : 20.06.2023

Sri. APN advocate for petitioner filed IA No. 2 U/o 16 rule 6 of CPC. Issue summons to RMO, MIMS, Mandya to produce k sheet, And X-ray and other documents of petitioner and adduce evidence.

Perused IA and same is allowed. Issue hand summons to RMO, MIMS, Mandya.

And also filed IA No. 3 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. SCK advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. APN advocate for petitioner suggest name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. APN advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 05.08.2023.

ASCJ & MACT, SRIRANGAPATNA

ASCJ, SRIRANGAPATNA

EX. 03/2017 : 20.06.2023

Again at 5.35 PM case is called out

no representation and steps not taken. It shows the Dhr not interested to proceed with case against the Jdr. Hence, petitioner is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MVC 762/2020 : 20.06.2023

Sri. MGP advocate for petitioner filed IA No. 2 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. KPK advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggest name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 19.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 286/2021 : 20.06.2023

Sri. KPK advocate for respondent No.2 filed IA No. 2 u/s 151 of CPC seeking permission to file written statement of respondent No. 2 and along with written statement of respondent No. 2

On the other hand Sri. MGP advocate for petitioner submits application may be allowed with cost.

Perused IA and same is allowed.

Call on for written statement Respondent No. 2 taken as on record. Call on issues by 05.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 407/2023 : 20.06.2023

Sri. KPK advocate for respondent No.2 filed IA No. 1 u/o 9 Rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement Respondent No. 2 by 18.08.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 577/2020 : 20.06.2023

Sri. KPK advocate for respondent No.2 filed IA No. 3 u/s 151 of CPC seeking permission to file written statement of respondent No. 2 and along with written statement of respondent No. 2

On the other hand Sri. NMM advocate for petitioner submits application may be allowed with cost.

Perused IA and same is allowed with cost of Rs. 200/-.

Call on for written statement Respondent No. 2 taken as on record. Call on issue by 18.07.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 94/2021 : 20.06.2023

Sri. HR advocate for defendant No. 1, 2 and 4 filed IA No. 3 U/o 18 rule 17 of CPC for recall of PW1 for the purpose of cross examination.

Perused IA and affidavit and same is allowed. PW1 is recalled.

Call on for cross of PW1 and 2 last chance by 24.06.2023.

ASCJ, SRIRANGAPATNA

MVC 580/2019 : 20.06.2023

Sri. SM advocate for petitioner filed IA No. 6 U/s 151 of CPC reopen the case from the stage of respondent evidence. And also filed IA No. 7 U/o 16 rule 1 and 2 of CPC seeking permission list of witness by condoning the delay and along with witness list.

On other hand Sri. SB respondent No. 2 submits no objections.

Perused IA's and same are allowed with cost of Rs. 100/- each.

Case is reopened and witness list taken as on record.

Issue summons to the manager Akshara Motors Private Ltd. As prayed in the PF to produced documents and adduced evidence by 13.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 237/2020 : 20.06.2023

Sri. NMM advocate for petitioner filed IA No.4 U/s 151 of CPC seeking reopen the case from the stage of arguments.

Perused IA and same is allowed. And also filed IA No. 5 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. KN advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggest name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 19.08.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1612/2019 : 20.06.2023

Sri. CSP advocate for petitioner filed IA No. 4 U/o 16 rule 6 of CPC. Issue summons to Dr. Shobha, K.R. hospital Mysore to produced k sheet, And X-ray and other documents of petitioner and adduce evidence.

Perused IA and same is allowed. Issue hand summons to Dr. Shobha, K.R. hospital Mysore Call for further petitioner evidence by 14.07.2023

ASCJ, SRIRANGAPATNA

MVC 423/2021 : 20.06.2023

Sri. KVY advocate for petitioner filed IA No. 3 U/o 16 rule 6 of CPC. Issue summons to Dr. Karunakar, Orthopedic, Nagarajegowda, Memorial Hospital, Mysore to produced k sheet, And X-ray and other documents of petitioner and adduce evidence.

Perused IA and same is allowed. Issue hand summons to Dr. Karunakar, Orthopedic, Nagarajegowda Memorial Hospital, Mysore Call for further petitioner evidence by 11.07.2023.

ASCJ & MACT., SRIRANGAPATNA

MVC 407/2023 : 15.06.2023

Sri. KLS advocate for respondent No.2 filed IA No. 1 u/o 9 Rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement Respondent No. 2 and reissue notice to respondent No. 1 through RPAD by 08.08.2023.

ASCJ & MACT, SRIRANGAPATNA

EX. 175/2015 : 20.06.2023

Sri. LJ advocate for Dhr filed IA No.5 u/s 224 of Karnataka Civil Rules of Practice for appointment of special process server to execute Attachment warrant for movables of **Jdr No. 3.**

Heard Sri. LJ advocate for decree holder on IA No.5. It appears that the decree holder has sought for Attachment warrant for movables of Jdr No. 3. for execution. It appears that this Court has issued process to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the Dhr to take steps by attachment bank account of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him. Hence, IA 5 is allowed. Special ameen charges is fixed for Rs. 300/-.

Office is ordered to issue attachment warrant for movables of Jdr No. 3, if PF and charges of ameen furnished as per law.

Await compliance of ordered by 15.07.2023

ASCJ, SRIRANGAPATNA

EX. 19/2021 : 20.06.2023

Sri. RR advocate for Dhr filed IA No.9 u/s 224 of Karnataka Civil Rules of Practice for appointment of special process server to execute Attachment warrant for movables of Jdr.

Heard Sri. RR advocate for decree holder on IA No.9. It appears that the decree holder has sought for Attachment warrant for movables of Jdr. for execution. It appears that this Court has issued process to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the Dhr to take steps by attachment bank account of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 9 is allowed. Special ameen charges is fixed for Rs. 300/-.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 15.07.2023

ASCJ, SRIRANGAPATNA

MVC 694/2022 : 19.06.2023

Sri. NKS advocate for petitioner filed IA No.3 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. NP advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. NKS advocate for petitioner suggest name of Sri. NSR advocate as Commissioner for examination of petitioner.

Sri. NSR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NSR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 15.07.2023.

ASCJ & MACT, SRIRANGAPATNA

FDP 11/2022 : 19.06.2023

The counsel for petitioner filed application U/Sec. 153 of CPC. Seeking for rectify the typical mistake in the final Decree on stamp paper.

Perused application and same is allowed in the interest of justice and equity as prayed in the IA.

Office is directed to rectify the same in the stamp paper decree.

ASCJ & MACT, SRIRANGAPATNA

EX 143/2012 : 19.06.2023

Heard arguments on IA No. 10

Sri. NP advocate for Dhr filed IA No. 21 Rule 43 of CPC seeking pass an order for permit the Dhr to break open the locks on the judgment debtors immovable property.

Perused IA and it appears that the Dhr has filed execution petition in the year 2012 and taken various steps against the Jdr. For recovery of amount from the Jdr. The Jdr is intensely avoid the process of this court. Hence, it is necessary to pass order as prayed in the IA. Therefore, I proceed to pass following order.

: Order :

IA No. 10 U/o 21 rule 43 field by the Dhr is hereby allowed.

The Dhr is permitted to break open the locks on the Judgment debtors. House constructed on the side measuring

60X40 feet situated in serve No. 141 of Shambunahalli village, Padavapura taluk with the assistance of concerned police for attachment of movable properties.

Issue attachment warrant of movables of Jdr. Through special ameena. If PF is paid and necessary transportation charges is deposited.

Call on for await process by 03.07.2023.

ASCJ , SRIRANGAPATNA

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MVC 1646/2020 : 17.06.2023

Case called out. Petitioner absent.

Counsel for petitioner is present and submits that, the petitioner is interested to proceed with case against the respondents. Hence, prayer may be noted and necessary orders may be passed.

In view of the submission made by counsel for petitioner. It appears that, the petitioner is not interested to proceed with case. Hence prayer is rejected and petition is dismissed.

ASCJ & MACT, SRIRANGAPATNA

MVC 74/2023 : 13.06.2023

Petitioner is present. Sri. KVY advocate for petitioner filed memo stating that, the petitioner will gone to out country for her higher education purpose. Hence petition may be dismissed as not pressed.

In view of the memo filed by the

petitioner. The petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

EX 70/2022: 17.06.2023

Case called out. no representation

Perused Order sheet from the date of filing of this petition. The Dhr is not appear before this court and steps not taken. It show that, the Dhr is not interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for non prosecution.

ASCJ & MACT, SRIRANGAPATNA

EX 04/2022: 17.06.2023

Case called out. no representation

Perused Order sheet from the date of filing of this petition. The Dhr is not appear before this court and steps not taken. It show that, the Dhr is nopt interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for non prosecution.

ASCJ & MACT, SRIRANGAPATNA

EX 12/2022: 17.06.2023

Case called out. no representation

Perused Order sheet from the date of filing of this petition. The Dhr is not appear before this court and steps not taken. It show that, the Dhr is nopt interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for non prosecution.

ASCJ & MACT, SRIRANGAPATNA

OS. 136/2019 : 17.06.2023

Smt. LV advocate for plaintiff filed IA No. 1 u/s 151 of CPC for reopen the case from the stage of arguments and also filed IA No. 2 U/o 16 Rule 1 and 2 of Cpc seeking permission file list of witness and along with witness list.

Perused IA's and same are allowed in the interest of Justice and equity.

And also filed Examination in chief of PW2 to 4 by way of affidavit. Ex.P 1(c) to (e) and Ex.P 2(c) to (e) are got marked. Cross examination taken as nil. Further plaintiff evidence is closed.

Heard Arguments. Judgment by 26.06.2023.

ASCJ & MACT, SRIRANGAPATNA

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MVC 407/2023 : 15.06.2023

Sri. TAS advocate for respondent No.3 filed IA No. 1 u/o 9 Rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.3 is hereby set aside.

Call on for written statement

Respondent No. 3 and reissue notice to respondent No. 2 through RPAD by 02.08.2023

ASCJ & MACT, SRIRANGAPATNA

OS 100/2023 : 15.06.2023

Heard Sri. B.R advocate for plaintiff on I.A.No.2 filed U/o 39 rule 1 and 2 r/w sec. 151 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession over the suit schedule properties contending that, suit schedule properties are joint family properties of plaintiff and defendants and he is entitled

for share in the suit schedule properties.

Now the defendants are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the properties. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of his application the plaintiff has sworn affidavit and produced Family G.Tree, RTC, MR, Demand Register copy, Will and other documents pertaining to the suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.2 and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiff claims that he is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as they claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.2, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 2 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendants as prayed in

I.A.No.2 and the defendants are restrained not to alienate the suit schedule properties, if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.2 and suit summons to defendants if PF and copies furnished. R/by 26.07.2023.

ASCJ, SRIRANGAPATNA

OS 68/2021: 15.06.2023

Case called out. Counsel for plaintiff is present and submits prayer may be noted and necessary orders may be passed.

Perused order sheet, the plaintiff is continuously absent. It shows that the plaintiff is not interested to proceed with the case against the defendants. Hence, suit is dismissed for default.

ASCJ, SRIRANGAPATNA

OS. 66/2023 : 15.06.2023

Sri. MPG advocate filed power of defendant No. 12 and 13

Smt. SM advocate filed power for plaintiff along with previous counsel and also filed IA No. U/s 151 of CPC seeking for extension of TI.

Perused IA and same is allowed.

Reissue S/S to remaining defendants if P.F. is paid and furnished correct adders. TI is extended till next date of hearing. And Call on for W.S and objection of defendant No 12 and 13 by 20.07.2023

ASCJ & MACT, SRIRANGAPATNA

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OS 14/2021 : 14.06.2023

Heard arguments on IA No. 3.

Perused material available on record. The plaintiffs have filed this suit against the defendant for partition and separate possession over the suit schedule properties.

After filing of this suit. Suit summons were issued to the defendants.

After service of summons the defendant No. 19 only appeared through their counsel, remaining defendants are placed exparte and dead. Even after filing of this IA. This court has given sufficient opportunity to the defendant No. 19 to file objections to IA No. 3, but they did not filed any objections. Here in this case evidence is not yet commenced.

Perused IA and affidavit and same is allowed in the interest of justice and equity.

Call on for amendment and amended plaint by 19.06.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 946/2022 : 14.06.2023

Sri. SJD advocate for respondent No. 2 filed IA No. 6 U/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No. 7 U/o 18 rule 17 of CPC for recall of PW1 for purpose of cross examination.

Perused IA and Memorandum of facts and same are allowed in the interest of Justice and equity.

PW1 present. Fully cross examined.

Sri. SJD advocate for respondent No. 2 filed examination in chief of Rw1 by way affidavit Ex.R 1 is got marked. Fully cross examined.

Heard arguments. For judgment by 19.06.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 277/2019 : 14.06.2023

Sri. JSK advocate for respondent No. 2 filed IA No. 3 U/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No. 4 U/o 18 rule 17 of CPC for recall of PW1 for purpose of cross examination.

Perused IA and Memorandum of facts and same are allowed in the interest of Justice and equity.

Call on cross examination of PW1 by 27.06.2023.

ASCJ & MACT, SRIRANGAPATNA

RA 16.2021 : 14.06.2023

Sri. CRS advocate for appellant filed IA No. 1 U/o 22 Rule 4 of CPC to bring the Lrs of respondent No. 1, IA 2 U/o 22 Rule 9 of CPC for abatement of set side and IA No. 3 U/s 5 of limitation Act.

Issue notice to Lrs of respondent No. 1 on IA No. 1 to 3 returnable by 19.07.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 22/2017 : 14.06.2023

Sri. JS advocate for defendant No. 5 filed IA No. 13 U/s 151 of CPC. Seeking permission to file Addl. Written statement and along with written statement.

Sri. MNS advocate for plaintiff prays time to file objections. There is no grounds. Hence objections taken has not filed.

Perused and affidavit and same is allowed with cost of Rs. 200/- and Addl. Written statement taken as on record. Call on for Addl. Issues by 22.06.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 82/2022 : 14.06.2023

Sri. MNN advocate for plaintiff filed IA No. 3 U/o 16 Rule 1 and 2 of CPC. Seeking permission to file list of witness by condoning the delay and along with witness list.

Perused and affidavit and same is allowed.

Issue summons to witness No. 2 and hand summons to witness NO. 1 Returnable by 20.06.2023

ASCJ & MACT, SRIRANGAPATNA

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OS 110/2019 : 13.06.2023

ORDERS ON I.A.NO.VII

This application is filed by the defendant u/o 14 rule 5 r/w 151 of CPC seeking order for frame Addl. Issue for the reasons as stated in the affidavit.

2. In the affidavit annexed with the application the defendant on oath has contended that, this court has framed issues. The plaintiff has contended that, he has lent huge amount of Rs. 6,00,000/- to the defendant, in the written statement the defendant specifically denied the plaintiff capacity but with this court has not framed issue in this regard. Hence prays for allowing the application and seeking order for frame Addl issue

3. Plaintiff has filed objection to the I.A.NO.VII stating that, application is not maintainable either on law or on facts. The reason assigned in the affidavit is concocted, only for obtaining the relief as prayed in the application, only with an intention to drag on the proceedings the present application is filed. Hence prays for rejection of the application with cost.

4. On the basis of the application and objection the point that arises for my consideration is :

POINT

1. Whether the applicant is made out a ground for frame Addl. Issue for the reasons as set out in the affidavit at this stage?

5. My answer to the above said point is in the affirmative for the following;

REASONS

6. On perusal of the nature of the suit, the plaintiff seeking recovery of money from the defendant. In the written statement the defendant has specifically contended that, the plaintiff not in a position to lent any amount to any body. While framing of issues this court is not seriously taken that defense. The counsel for plaintiffs submits in the suit for recovery of money, the defendant can not taken this type of defense, it is not the case for under negotiable instruments act. The plaintiff as filed this case against the defendant for recovery of money, therefore he has come up this suit before this court, and he has prove his case by producing oral and documentary evidence. When there is no specific averments in the written statement. By considering the the written statement averments as well as application filed by the defendant and objection filed by the plaintiff, I am of the specific opinion that, for proper adjudication of the suit on merits, Addl. Issue is necessary. Hence I answer point NO.1 in the affirmative and proceed to pass the following;

ORDER

- I.A.No.X filed by the plaintiff u/o 14 rule 5 of CPC is hereby allowed.
- Addl. Issues framed.

Addl., Senior Civil Judge

Srirangapatna

O.S.No.24/2008

Orders on I.A.NO.IX

This application is filed by the applicant/plaintiff u/o 6 rule 17 R/w Sec.151 of CPC seeking permission to amend the plaint as sought in the application for the reason narrated in the affidavit.

2. According to applicant they have filed the suit for Specific performance of contract related to the suit schedule property. After filing of the suit the defendant No. 2 to 5 are created sale deed in favour of defendant No. 6 on 08.02.2008 and it was registered 19.03.2008, this sale deed is sham document and it amounts to lis-pendens. Hence prays for allowing the application in the interest of justice and equity.

4. On the basis of application and objection the point for consideration is,

Whether the applicant/plaintiff has made out a ground for allowing the present application at this stage for the reasons as sought in the affidavit ?

What order ?

5. My answer to the above said point are as follows :

Point No.1 : In the affirmative
Point No.2 : As per the final order for the following

REASON:

6. On perusal of the pleadings and materials available on record it reflects that, the plaintiff has filed the suit against the defendants for Specific performance of contract in relation to the suit schedule property. After filing of this suit summons were issue to the defendant but they did not appear and exparte decree was passed on 21.10.2010 . Against the Judgment and Decree the defendant No. 2 to 5 are prepared an appeal before the Hon' III Addl. District and Sessions Court, Mandya(Sitting at Srirangapatna) in R.A. No. 5019/2020. The Hon'ble appellant court reminded the matter by allowing the appeal filed by the defendants. The plaintiff has filed this suit against the defendants on 23.02.2008. The defendants have executed an agreement of sale in favour of plaintiff on 05.11.2007. The defendant NO. 2 to 5 have executed sale deed in favour of defendant No. 6 on 08.02.2008, the said sale deed was registered on 19.03.2008. But on perusal of the record it reflects that after the completion of the trial the present application is filed. The amendment as sought in the application reflects that, in the plaint averments the plaintiff is intending to amend the plaint. By considering the amendment as sought in the application it is in no way change the cause of action or nature of the suit. Mere amendment is no way effect the right of the defendants. The pleadings are much more important to adjudicate the dispute between the parties. Without pleading any amount of evidence adduced by the plaintiff has no sanctity in the eyes of law. No doubt as

per order 6 rule 17 of CPC after the commencement of the trial no amendment shall be allowed until and unless due diligence has to be shown for such amendment. The applicant has made out reason for filing the present application subsequent to the commencement of the trial. It is nothing but a mistake in the plaint. If such mistake rectify by way of amendment at this stage it is in no way caused hardship, injustice and inconvenience to the opponent. More over if the application is allowed the opponent is also having opportunity to file additional written statement. When cause of action and nature of the suit not change due to amendment and it is no way take away the right already accrued to the defendants then there is no other impediment to allow the applicant to carryout the amendment in the plaint. In order to avoid the multiplicity of the proceedings and to avoid the wastage of precious time of court and parties to meet the ends of justice and proper adjudication of the dispute, I answer point No.1 in the Affirmative.

7. Point No.2 : In view of the above said discussions at point No.1 I proceed to pass the following :

ORDER

- I.A.No.9 filed by the plaintiff u/o 6 rule 17 is hereby allowed.

- The plaintiff is hereby directed to carryout the amendment in the plaint and also furnished the amended plaint copy.

- For amendment by 14.06.2023.

Addl., Senior Civil Judge

Srirangapatna.

ECA 2/2023 : 13.06.2023

Sri. SJD advocate for respondent No.3 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath and objection statement.

Perused IA and same is allowed. Exparte order against the respondent No.3 is hereby set aside and objection taken as on record.

Reissue notice to respondent NO. 1 if P.F. is paid. Returnable by 23.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 74/2023 : 13.06.2023

Petitioner is present. Sri. KVY advocate for petitioner filed memo stating that, the petitioner will gone to out country for her higher education purpose. Hence petition may be dismissed as not pressed.

In view of the memo filed by the petitioner. The petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

OS 14/2022 : 13.06.2023

Sri. CRS advocate for plaintiff filed IA. No. 1 U/O 17 rule 1 and 2 of CPC. For adjourned the case for twenty days. To lead the plaintiff evidence.

Perused IA and memorandum of facts and same is allowed in the interest of justice and equity.

Call on for plaintiff evidence last of chance of by 10.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 61/2020 : 13.06.2023

Sri. MKS advocate for petitioner filed IA No.1 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. GKP advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 1 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggest name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 19.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 161/2020: 13.06.2023

Sri. BKP advocate of petitioner filed IA No.2 U/o 16 rule 1 and 2 of CPC seeking permission to file list of witness.

On the other hand Sri. KLS advocate for respondent No.2 submits no objection to allow the IA No.2.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

Call on further petitioner evidence. by 04.07.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1353/2021: 13.06.2023

Sri. SMM advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. SM advocate for petitioner submits IA may be allowed.

Perused IA and affidavit and same is allowed in the interest of justice and equity. Written statement of respondent No.2 taken on record.

Call on for issues by 28.06.2023.

ASCJ & ASCJ, SRIRANGAPATNA

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FDP 13/2018 : 09.06.2023

The counsel for petitioner filed application U/Sec. 151 of CPC. Seeking for rectify the typical mistake in the final Decree on stamp paper.

Perused application and same is allowed in the interest of Justice and Equity. Rectified the typical error committed by this court as property alloted to the share of the petitioner No. 4 by name Smt. Indu Shivaram in Survey No. 287 measuring 0.27 Guntas instead of survey No. 287/1 measuring 0.27 Guntas.

Office is directed to rectify the same in the stamp paper decree.

ASCJ & MACT, SRIRANGAPATNA

OS 92/2019 : 09.06.2023

Again at 5.45 PM case is called out. Plaintiff and their counsel are absent. No representation.

Perused order sheet the plaintiffs have filed this suit against the defendants for partition and possession over the suit schedule properties on 06.09.2019.

After that suit summons were issued to

the defendants, after service of summons the Defendant No. 2to 4 are appeared through their counsels.

Defendant NO. 1 placed exparte. From the date of filing this suit the plaintiffs have not taken proper steps against the defendant No. 5. It shows that, the plaintiff have not interested to proceed with the case against the defendants. Hence, suit is dismissed for no prosecution.

ASCJ & MACT, SRIRANGAPATNA

MVC 1170/2018 : 09.06.2023

Sri. MGP advocate for petitioner filed IA No.8 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. BDP advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 8 is allowed. Consequently, Commissioner is appointed.

Sri. BDP advocate for petitioner suggest name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 18.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1474/2018 : 09.06.2023

Sri. BKG advocate for petitioner filed IA No.3 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. SEL advocate for respondent No. 2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. BKG advocate for petitioner suggest name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. BKG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 15.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 57/2022: 09.06.2023

Sri. SCK advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. DSP advocate for petitioner submits IA may be allowed.

Perused IA and affidavit and same is allowed in the interest of justice and equity. Written statement of respondent No.2 taken on record.

Call on for issues by 28.06.2023.

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1262/2017 : 09.06.2023

Sri. GSN advocate for petitioner filed IA No. 5 U/o 16 rule 6 of CPC. Issue summons to RMO, CSI Hols Worth Memorial Hospital, Mysore to produced k sheet, And X-ray and other documents of petitioner and adduce evidence.

Perused IA and same is allowed. Issue hand summons to RMO, CSI Hols Worth Memorial Hospital, Mysore Call for further petitioner evidence by 11.07.2023

ASCJ, SRIRANGAPATNA

OS 152/2021 : 09.06.2023

Sri. MCH advocate for plaintiff filed IA No.2 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant. Heard arguments on IA No.2 and perused record. It appears that though this court has issued summons to defendant on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendant. Hence, IA No.2 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant by way of paper publication.

Sri. MCH advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant reside or carries business for their livelihood on or before 19.06.2023 and direct defendant to appear before this court on 17.08.2023.

Sri. MCH advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant by 17.08.2023.

ASCJ, SRIRANGAPATNA

MVC 356/2020 : 09.06.2023

Sri. ATJ advocate for petitioner filed IA No.3 U/o 26 rule 9 of CPC for appointment of commissioner for cross examination of PW1

Sri. NVR advocate for respondent filed their oral objections

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for cross examination of PW1 as he is unable to appear before the court due to accidental injuries. Since the PW1 is unable to appear before the court and in view of oral objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. ATJ advocate for petitioner suggest name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. ATJ advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ATJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 30.06.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1462/2018 : 09.06.2023

Sri. NMM advocate for petitioner filed IA No. 4 U/sec 151 of CPC. Seeking reopen the case from the stage of arguments.

Perused IA and same is allowed. Sri. NVR advocate filed court commissioner. Further petitioner evidence and respondent evidence closed.

Call on for arguments 13.07.2023.

ASCJ, SRIRANGAPATNA

EX. 118/2012 : 08.06.2023

Sri. PG advocate for Dhr filed IA No.9 u/s 224 of Karnataka Civil Rules of Practice for appointment of special process server to execute Attachment bank account of Jdr.

Heard Sri. PG advocate for decree holder on IA No.9. It appears that the decree holder has sought for Attachment of bank account of Jdr. for execution. It appears that this Court has issued process to Jdr but it returned unserved.

The office of Jdr is situated at Mysore and as such it is just and necessary to permit the Dhr to take steps by attachment bank account of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 9 is allowed. Special ameen charges is fixed for Rs. 500/-.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 03.07.2023

ASCJ, SRIRANGAPATNA

Os 134/2022 : 08.06.2023

Defendant No. 15 and 16 are called out absent. Place exparte.

Sri. IKR advocate for plaintiff reported the death of defendant No. 1 on 30.05.2023 by filing memo. And also stating that the Lrs. Of defendant No. 1 are already brought on record as defendant No. 2 to 4.

Peruse memo and same accepted. And permitted plaintiff to carried out amendment.

Call on for amendment and amended plaint by 15.06.2023.

ASCJ, SRIRANGAPATNA

MVC 939/2021 : 08.06.2023

Sri. KVY advocate for petitioner filed IA No. 2 U/o 16 rule 6 of CPC. Issue summons to Dr. Karunakar to produced documents and adduce evidence.

Perused IA and same is allowed. Issue hand summons to Dr. Karunukar S. Call for further petitioner evidence by 10.07.2023

ASCJ, SRIRANGAPATNA

Ex. 18/2023 : 08.06.2023

Sri. SP advocate for Dhr filed IA No.1 U/o 26 rule 9 of CPC for appointment of commissioner for execute

of sale deed in respect of the EP schedule property.

Jdr called out. Absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the Dhr has sought for appointment of court Commissioner for the execute the sale deed in respect of suit schedule property in favour of Dhr, on perusal of entire records this Court is of opinion that it is fit case to appointing court commissioner to execute registered sale deed. Hence, IA 1 is allowed. Consequently, Commissioner is appointed. Sri. SP advocate for petitioner suggest name of Sri. MP advocate as Court Commissioner for execution of sale deed.

Sri.MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. SP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 05.08.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1752/2019 : 08.06.2023

Sri. KVY advocate filed IA No. 5 U/s 151 of CPC for reopening the case from the stage of arguments and also filed IA No. 6 U/o 18 rule 17 of CPC for recall of doctor evidence.

Perused Ia's and same are allowed in

the interest of the Just ice and equity.

Issue summons to doctor as prayed for. Call on for further petitioner evidence by 21.06.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1598/2020 : 08.06.2023

Sri. SCK advocate for respondent No.3 filed IA No.4 u/o 9 Rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.3 is hereby set aside.

Call on for written statement Respondent No. 3 by 11.07.2023

ASCJ & MACT, SRIRANGAPATNA

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Ex. 266/2012 : 06.06.2023

Again case called at 5.45 P.M. Dhr and their counsels are absent. No representation.

Perused order sheet the Dhr and their counsels are continuously absent. And steps not taken. It shows that, the

Dhr is not interested to proceed with the case against the Jdr's. Hence, execution petition is dismissed for no prosecution.

ASCJ & MACT, SRIRANGAPATNA

MVC 2223/2019: 06.06.2023

Sri. ANK advocate of petitioner filed IA No.1 U/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. KLS advocate for respondent No.2 submits no objection to allow the IA No.1.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

Issue hand summons to RMO, Kaveri Hospital, Mysuru.

Call on for further petitioner evidence by 20.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1200/2022 : 06.06.2023

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Case is referred to Lok-adalath, by 08.07.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 324/2020 : 06.06.2023

Sri. NMM Advocate for petitioner filed IA. 6 U/s 151 of CPC. For Re-opening the case from the stage of further respondent evidence. And also filed IA No. 7 U/o 18 rule 17 of CPC for recall of pw1 for purpose of further chief examination of PW1 .

And other hand Sri. KPK advocate for respondent No. 2 prays time time file objections, there is no grounds. Hence, objections taken as not filed.

Perused IA and memorandum of facts and same are allowed with cost of Rs. 500/- each.

PW1 present. Ex.P 7 and 8 are got marked fully cross examined.

Sri. KPK advocate for respondent NO. 2 filed IA No. 8 U/o 16 rule 6 of CPC. Issue summons to Nanjundaswamy S. to adduced evidence.

Perused IA and same is allowed. Issue hand summons to Nanjundaswamy S. Call for respondent evidence by 20.06.2023

ASCJ, SRIRANGAPATNA

OS 128/2018 : 06.06.2023

Sri. GR advocate for plaintiff filed IA No.9 u/o 16 rule 1 and 2 of CPC seeking permission to file witness list and along with witness list. Perused application and same is allowed in the interest of justice and equity.

Call on for further evidence of plaintiff by 15.06.2023

ASCJ, SRIRANGAPATNA

MVC 1659/2022 : 06.06.2023

Sri. KPK advocate for respondent

No.2 filed IA No.1 u/o 9 rule 7 of 151 CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA's and same are allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for await process of respondent No. 1 and W.S. of respondent No. 2 by 04.07.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1660/2022 : 06.06.2023

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of 151 CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA's and same are allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for await process of respondent No. 1 and W.S. of respondent No. 2 by 04.07.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 406/2020 : 06.06.2023

Sri. KSN advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. KSN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 19.06.2023 and direct respondent No.1 to appear before this Court on 17.08.2023

Sri. KSN advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 17.08.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1501/2020: 06.06.2023

Sri. DRN advocate of petitioner filed IA No.3 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. GKP advocate for respondent No.2 submits no objection to allow the IA No.3.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

Issue hand summons to Dr. Karnukar, Orthopedic, Nagerajegowd Memorial Hospital, Mysuru.

Call on for further petitioner evidence by 28.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1509/2019: 06.06.2023

Sri. KPK advocate for respondent No.2 filed IA No.4 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. MGP advocate for petitioner submits IA may be allowed with heavy cost.

Perused IA and affidavit and same is allowed in the interest of justice and equity with cost of Rs. 500/-. Written statement of respondent No.2 taken on record.

Call on for Addl. issues by 23.06.2023.

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1103/2020 : 06.06.2023

Sri. SB advocate for Respondent NO. 2 filed IA No. 3 U/ o 16 Rule 1 and 2 of CPC. Seeking permission to filed list of witness by condoning the delay and along with list of witness.

Perused IA and Affidavit and same is allowed in the interest of Justice and Equity.

Issue summons to RMO, through RPAD, K.R. Nagara, Government hospital. To produced MLC extract of Smt. Bhagyamma and adduced evidence. Call for respondent evidence by 27.06.2023

ASCJ, SRIRANGAPATNA

OS 46/2019 : 06.06.2023

Sri. CM advocate for defendant No. 3 filed IA 11 U/o 18 rule 17 CPC for recall of PW1 for the purpose of further cross examination.

On the other hand Sri. DRN advocate for plaintiff submits IA may be allowed with heavy cost.

Perused IA and affidavit and same is allowed in the interest of justice and equity with cost of Rs. 1000/-. PW1 is recalled finally and last chance for further cross of PW1 by 07.06.2023

ASCJ, SRIRANGAPATNA

MVC 621/2021 : 06.06.2023

Case called out Sri. DKG advocate for petitioner is present. And prays time for petitioner evidence.

Perused order sheet the petitioner is continuously absent. And sufficient opportunity has been given to petitioner. Hence, prayer is rejected and petition is dismissed for default.

ASCJ, SRIRANGAPATNA

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RA 50/2022 : 05.06.2023

Sri. DRN advocate for appellant filed IA No.2 U/o 5 rule 20 r/w Sec. 151 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent No.3 and 9. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to respondent No.3 and 9 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against respondent No.3 and 9. Hence IA No.2 is allowed. Consequently, the appellant is permitted to take sub service against respondent No.3 and 9 by way of paper publication.

Sri. DRN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where respondent No.3 and 9 reside or carries business for their livelihood on or before 14.06.2023 and direct respondent to appear before this Court on 27.07.2023.

Sri. DRN advocate for appellants undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent No.3 and 9 by 27.07.2023.

ASCJ, SRIRANGAPATNA

MVC 355/2020 : 03.06.2023

Sri. NMM advocate for petitioner filed IA No.4 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. DGN advocate for respondent No. 2 filed objection stating that, the application not maintainable either law are in facts. The petitioner was taken treatment at Vatsalya Hospital, Mysuru, but the petitioner filed application for appoint of commissioner to examine one Dr. Vasan, JSS hospital, Mysuru, the said doctor is not treated doctor of the petitioner. Hence, application may be dismissed with cost.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggest name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 27.06.2023.

ASCJ & MACT, SRIRANGAPATNA

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commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggest name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 27.06.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 578/2020 : 03.06.2023

Sri. NMM advocate for petitioner filed IA No.4 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Sri. DGN advocate for respondent No. 2 filed objection stating that, the application not mentainable either law are in facts. The petitioner was taken treatment at Vatsalya Hospital, Mysuru, but the petitioner filed application for appoint of commissioner to examine one Dr. Vasan, JSS hospital, Mysuru, the said doctor is not treated doctor of the petitioner. Hence, application may be dismissed with cost.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggest name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 27.06.2023.

ASCJ & MACT, SRIRANGAPATNA

Ex. 168/2019 : 03.06.2023

Again case called at 4.10 PM Dhr and their counsels are absent. Perused order sheet the Dhr has filed this execution petition against the Jdr's on 28.11.2019. From the filing date till today. The Dhr is not present before this court and steps not taken, even issuance court notice to the counsel for Dhr. It shows that the Dhr is not interested to proceeding the case against Jdr's Hence Execution petition is dismissed for non prosecution.

ASCJ & MACT, SRIRANGAPATNA

MVC 346/2023 : 03.06.2023

Sri. DPK advocate for petitioner filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. DPK advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 16.06.2023 and direct respondent No.1 to appear before this Court on 02.08.2023

Sri. DPK advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 02.08.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 345/2023 : 03.06.2023

Sri. DPK advocate for petitioner filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. DPK advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 16.06.2023 and direct respondent No.1 to appear before this Court on 02.08.2023

Sri. DPK advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 02.08.2023.

ASCJ & MACT, SRIRANGAPATNA

Ex. 59/2021 : 03.06.2023

Sri. HR advocate for Dhr filed IA No.1 U/o 26 rule 9 of CPC for appointment of commissioner for execute of sale deed in respect of the EP schedule property.

Jdr called out. Absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the Dhr has sought for appointment of court Commissioner for the execute the sale deed in respect of suit schedule property in favour of Dhr, on perusal of entire records this Court is of opinion that it is fit case to appointing court commissioner to execute registered sale deed. Hence, IA 2 is allowed. Consequently, Commissioner is appointed. Sri. HR advocate for petitioner suggest name of Sri. BRT advocate as Court Commissioner for execution of sale deed.

Sri.BRT advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. BRT advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. HR advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 04.08.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 188/2022 : 03.06.2023

Sri. HR advocate for defendant No. 1 filed IA No. 1 filed U/s 151 of CPC seeking permission file written statement of defendant No. 1 and along with W.S.

On the other hand Sri. BNG advocate for plaintiff submits IA. No. 1 filed by the Defendant No. 1 may allowed with cost.

Perused IA and affidavit and same is allowed with cost of Rs. 300/- and written statement of defendant No. 1 taken as on record. Call on for Compliance U/s 89 of CPC by 04.07.2023.

ASCJ & MACT, SRIRANGAPATNA

Ex. 55/2023 : 03.06.2023

Sri. IKR advocate for Dhr filed IA No.1 U/o 26 rule 9 of CPC for appointment of commissioner for execute of sale deed in respect of the EP schedule property.

Jdr called out. Absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the Dhr has sought for appointment of court Commissioner for the execute the

sale deed in respect of suit shchedule property in favour of Dhr, on perusal of entire records this Court is of opinion that it is fit case to appointing court commissioner to execute registered sale deed. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. IKR advocate for petitioner suggest name of Sri. KMS advocate as Court Commissioner for execution of sale deed.

Sri.KMS advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. KMS advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. IKR advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 27.07.2023.

ASCJ & MACT, SRIRANGAPATNA

Ex. 41/2019 : 03.06.2023

Sri. CMSM advocate for Dhr filed IA No.1 U/o 26 rule 9 of CPC for appointment of commissioner for execute of sale deed in respect of the EP schedule property.

Jdr called out. Absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the Dhr has sought for appointment of court Commissioner for the execute the sale deed in respect of suit shchedule property in favour of Dhr, on perusal of entire records this Court is of opinion that it is fit case to appointing court commissioner to execute registered sale deed. Hence, IA 2 is allowed. Consequently, Commissioner is appointed. Sri. CMSM advocate for petitioner suggest name of Sri. CN advocate as Court Commissioner for execution of sale deed.

Sri.CN advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CN advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. CMSM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 28.07.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1380/2020 : 03.06.2023

Sri. CMP advocate for respondent No.1 filed IA No.3 u/o 9 rule 7 of 151 CPC to set aside the exparte order passed against the respondent No.1 and along with vakalath.

And also filed application U/s 151 of CPC. Seeking permission to file written statement of respondent No. 1 and along with written statement of respondent No. 1 and list with documents.

Perused IA's and same are allowed. Exparte order passed against the respondent No.1 is hereby set aside. W/S of respondent No. 1 taken as on record.

Call on for Addl. Issues by 19.06.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 266/2020 : 02.06.2023

For cross of RW1. Call on 09.06.2023

ASCJ, SRIRANGAPATNA

MVC 360/2019 : 02.06.2023

Sri. C.S.V advocate for petitioner filed IA No. 4 U/ o 16 Rule 1 and 2 of CPC. Seeking permission to filed list of witness by condoning the delay and along with list of witness.

Perused IA and Affidavit and same is allowed in the interest of Justice and Equity.

Issue hand summons to Dr. Kirankumar G.N. Call on for further petitioner evidence by 09.06.2023.

ASCJ, SRIRANGAPATNA

MVC 479/2020 : 02.06.2023

PW1 present fully cross examined. Ex.R 1 is got marked.

Sri. MGP advocate for petitioner filed IA No. 3 U/ o 16 Rule 1 and 2 of CPC. Seeking permission to filed list of witness by condoning the delay and along with list of witness.

Perused IA and Affidavit and same is allowed in the interest of Justice and Equity. Call on for further petitioner evidence by 23.06.2023.

ASCJ, SRIRANGAPATNA

MVC 1606/2018 : 02.06.2023

Sri ANK Advocate for petitioner filed IA No. 2 U/S 151 of CPC. Seeking reopen the case, from the stage of respondent evidence and also filed IA No. 4 u/o 16 rule 6 of CPC issue summons to witnesses.

Perused IA and memorandum of facts. And same are allowed in the interest of justice and equity.

Case is reopened. Issue summons to Dr. Ravikumar to produce MLC register with extract of petitioner by name B.T. Somegowda and adduced evidence and issue summons to PSI by name Jayaramanayaka, Malavalli Rural Police station.

If P.F. paid. Call on for further petitioner evidence by 27.06.2023.

ASCJ, SRIRANGAPATNA

RA 16/2022 : 02.06.2023

Sri. SEL advocate for appellant filed IA No.3 U/o 5 rule 20 r/w Sec. 151 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against appellant No. 2(a),

(f). Heard argument on IA No.3 and perused record. It appears that though this court has issued notice to appellant No. 2(a), (f). on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against appellant No. 2(a), (f). Hence IA No.3 is allowed. Consequently, the appellant is permitted to take sub service against appellant No. 2(a), (f). by way of paper publication.

Sri. SEL advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where appellant No. 2(a), (f). reside or carries business for his livelihood on or before 12.06.2023 and direct appellant No. 2(a), (f).to appear before this Court on 28.07.2023.

Sri. SEL advocate for appellants undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of appellant No. 2(a), (f). by 28.07.2023.

ASCJ, SRIRANGAPATNA

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MVC 1048/2016 : 03.05.2023

Sri. SM advocate for petitioner submits filed IA U/o 22 rule 3 of CPC. To bring the Lrs. Of petitioner. IA U/O 22 rule 9 of CPC. For set aside abatement order and also filed IA U/s 5 of limitation act with vakalath.

Perused IA and affidavit. I have satisfied that the IA schedule persons are only the Lrs of petitioner by name deceased Swamy. Hence, I proceed to pass following order.

Order

IA U/o 22 rule 3, IA U/o 22 rule 9 of CPC. And U/s 5 of Limitation Act are hereby allowed.

Amendment carried out and amended petitioner filed.

And also filed applications U/s 151 of CPC seeking passed an order for release FD amount in favour of Lrs. Petitioner.

Perused the order sheet and records available this file, after disposal of this petition, the original petitioner by name Swamy died leaving behind the Lrs of petitioner No.1(a) to (c). They are brought on record and amendment has been carried out.

Perused the application filed by the petitioners and their counsels. Perused the affidavit submitted by petitioners. Perused the intimation issued by this court amounting to Rs.55,960/- dated 02.01.2019. It revels that, the F.D. have matured on 21.10.2022.

Perused the Adhar card of Lrs of petitioners along with application and pass book of the party. In view of maturity of the F.D. amount referred above as per request of the petitioners it is necessary to release the entire amount of F.D. bond with interest up to date, for the use of petitioners. The Lrs. of petitioner No. 1 to 3 are entitled equal share in the F.D. amount of deceased Swamy.

Since, the Lrs of petitioner No. 1 (b) is minor. The petitioner No. 1(a) filed her affidavit stating that the share of the petitioner No. 1(b) may be released in her favour. Perused affidavit and same is accepted.

Therefore the office is directed to write a letter to the concerned Bank Manager to release the entire F.D. amount referred supra with up to date interest in favour of the Lrs of petitioner No. 1(a) for two share and one share for petitioner No. 1(c).

ASCJ & MACT, SRIRANGAPATNA

MVC 1310/2020 : 03.05.2023

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 20.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 390/2021 : 03.05.2023

Sri. GSN advocate for petitioner submits filed IA No. 3 U/o 22 rule 3 of CPC. To bring the Lrs. Of petitioner. IA No. 4 U/O 22 rule 9 of CPC. For set aside abatement order and also filed IA No. 5 U/s 5 of limitation act with vakalath. Call on for objection by 05.06.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1454/2021 : 03.05.2023

Sri. MGP advocate for petitioner submits no objection IA No. 2. Perused IA and same is allowed. The respondent No. 2 is deleted as prayed in the IA. The petitioner is permitted carried out amendment.

Sri. MGP advocate for petitioner filed IA No.3 U/O 1 rule 10(2) of CPC seeking impaled the IA schedule person has respondent No. 2.

Issue notice to proposed respondent No. 2 on IA No. 3 through RPAD. If P.F. paid and furnished RPAD cover and stamps. Returnable by 27.06.2023.

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1012/2021 : 03.05.2023

Sri. SM advocate for petitioner filed IA No.2 u/s 151 of CPC seeking reopen the case from the stage of arguments.

And other hand Sri. KPK advocate for respondent No. 2 submits oral objections.

Perused IA and affidavit and same is allowed in the interest of justice and equity. Case is reopened issue hand summons to Dr. Karunakar.

Call on for further petitioner evidence by 30.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 991/2018 : 03.05.2023

Sri. MKS advocate for petitioner filed IA No.9 u/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No. 10 U/o 16 rule 6 of CPC. Issue summons to RMO, K.R. Hospital, Mysore, to produced MLC extract and adduced evidence pertaining to the petitioner bu name Shivaramu S/o Late B. Ramaiah.

And other hand Sri. NVR advocate for respondent submits oral objections.

Perused IA and affidavits and same are allowed in the interest of justice and equity. Case is reopened issue hand summons to RMO, K.R. Hospital, Mysore.

Call on for further petitioner evidence by 06.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 688/2022

Sri. MVG advocate for respondent No.3 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. GSN advocate for petitioner submits no objections.

Perused IA and affidavit and same is allowed in the interest of justice and equity. Written statement of respondent No.2 taken on record.

Call on for issues by 06.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 687/2022

Sri. MVG advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. GSN advocate for petitioner submits no objections.

Perused IA and affidavit and same is allowed in the interest of justice and equity. Written statement of respondent No.2 taken on record.

Call on for issues by 06.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1260/2021

Sri. NSC advocate for respondent No.1 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. DPK advocate for petitioner submits IA may be allowed with cost.

Perused IA and affidavit and same is allowed in the interest of justice and equity. Written statement of respondent No.1 taken on record.

Call on for additional issues if any by 05.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 480/2020

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 20.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 437/2020

Sri. MRV advocate for petitioner filed IA No.2 U/o 26 rule 4 of CPC for appointment of commissioner for examination of doctor.

Respondent called out. Absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. MRV advocate for petitioner suggest name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MRV advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 20.06.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 522/2020

Sri. SB advocate for respondent No.2 filed IA No.3 U/o 1 Rule 10(2) of CPC to strike out the respondent No.2 who is not necessary party to the proceedings and along with memo insurance policy.

Call on for objections by 06.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1529/2020

Sri. KVY advocate of petitioner filed IA No.6 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Call on for objections by 30.05.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. DPK advocate of petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand Sri. MVG advocate for respondent No.2 submits no objections.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. DPK advocate for petitioner suggest name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DPK advocate undertakes to pay commissioner fee.

And also filed IA No.5 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to RMO, Aditya Hospital, Mysore to produce all the documents and adduced evidence pertaining to the injured petitioner by name Mangalagowri.

Sri. MVG advocate for respondent No.2 submits no objections. Heard arguments and perused IA No.5 and same is allowed in the interest of justice and equity.

Issue SS to RMO, Aditya Hospital, Mysore to produce all the documents and adduced evidence pertaining to the injured petitioner by name Mangalagowri.

Issue commission warrant. If PF paid Await Commissioner report and further petitioner evidence. Call on hearing date.

ASCJ & MACT, SRIRANGAPATNA

CC No.54/2019: 02.05.2023

Learned APP filed objection to bail application along with IO report.

Heard argument and perused material available on record.

In the bail application the accused No.2 submitted that he is innocent and he has not committed any alleged offenses. The accused No.2 is in judicial custody and he spending his valuable time in custody. There are no materials to show that accused No.2 has committed the alleged offenses. The alleged offenses are not punishable with either death or imprisonment for life. The accused has got the responsibility of maintaining his family. The accused No.2 undertakes to appear before this Court on all the dates of hearing. Hence, accused prayed to release him on bail.

The learned APP in his objection has stated that the offenses are non-bailable in nature and punishable with imprisonment. The accused No.2 is an habitual offender. The accused No.2 may tamper prosecution evidence and abscond if he is released on bail. Hence, APP prayed to reject bail application.

Heard argument and perused record. It appears that Forest Officer have registered case against the accused No.2 for the offenses punishable U/s. 9, 27, 29, 31, 32, 50, 50(c) and 51 of Karnataka Wild Life Protection Act 1972. Though the alleged offenses are non-bailable in nature, they are not punishable with death or life imprisonment. The accused No.2 is in judicial custody.

The accused No.2 in his bail application has stated that he is ready to abide by any conditions imposed by the court. He undertakes to appear before the court regularly. Therefore, having regard to the facts and circumstances of the case, this Court is of opinion that it is a fit case to enlarge the accused No.2 on bail by imposing reasonable conditions. Hence, I proceed to pass the following:

:ORDER:

Bail application filed U/s 437 of Cr.P.C. filed by accused No.2 is allowed. The accused is enlarged on bail subject to the following conditions.

:CONDITIONS:

1. The accused No.2 shall execute personal bond sum of Rs. 20,000/- with one surety for the like sum.

2. The accused No.2 shall not threaten to witnesses or tamper the prosecution evidence in any manner.

3. The accused No.2 shall appear before the regularly on all the dates of hearing.

Surety by name Krishnegowda S/o Basavaiah, aged about 64 years, R/o 7th Cross, V.V.Nagara, Kallahalli, Mandya is present and filed his affidavit along with Khatha extract pertaining to the house poroperty, bearing No.130, meauring 42 X 26 situated at K.Shettahalli, Srirangapatna Taluk and self attested of Adhar card.

Perused record. Enquiry held and

satisfied as to solvency of surety. Hence, surety is accepted.

Office is ordered to take bond and Issue direction to jail authority to release accused No.2 if he not required in any other cases.

The surety is hereby directed to furnish recent Khatha Extract and Tax paid receipt pertaining to the assessment No.130.

Call on for appearance of accused by 12.05.2013

I/c PSCJ & JMFC, S.R.PATNA

CC No. 8/2023: 02.05.2023

Case is advanced to this date by Sri. KM advocate by accused No.1 to 5.

Sri. KM advocate for accused No.1 to 5 filed a memo along with certified copy of order passed by the Hon'ble III Addl. District & Sessions Judge, Mandya, sitting at Srirangapatna in Crl Mis. No. 5109/2023 dated: 21.4.2023. He also filed vakalath for accused No.1 to 5.

A perusal of order it appears that the Hon'ble III Addl. District & Sessions Judge, Mandya, sitting at Srirangapatna is granted anticipatory bail in Crl Mis. No. 5109/2023 dated: 21.4.2023 for accused No.1 to 5 u/s 438 of Cr.P.C. with condition that the accused No.1 to 5 shall execute personal bond for sum of Rs.50,000/- with one surety for the likesum and with the conditions mentioned in the order.

Sri. KM submit that accused No.1 to 5 is ready to furnish surety.

Surety by name Panchakshari Gangadhar S/o Boregowda, R/o H.Malligere Village, Dudda Hobli, Mandya Taluk is present and filed his affidavit along with RTC extract pertaining to land bearing Sy. No.79/paiP5, measuring 0.18 guntas and notarized copy of Adhar card.

Perused record. Enquiry held and satisfied as to solvency of surety. Hence, surety is accepted.

Office is ordered to take bond and supply charge sheet as per Sec.207 of Cr.P.C.

Call on hearing date.

I/c PSCJ & JMFC, S.R.PATNA

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MVC 1396/2020: 29.04.2023

Case called out. Sri. DPK Counsel for petitioner is present and submits that the petitioner is not come forward for taken steps against the respondent No.1. Hence, prayer is may be noted and necessary orders may be passed. Perused order sheet, the petitioner has filed this petition in the year 2020. From the date of filing of this petition the petitioner is not taken steps against the respondent No.1. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC 1438/2020: 29.04.2023

Case called out. Sri. DPK Counsel for petitioner is present and submits that the petitioner is not come forward for taken steps against the respondent No.1. Hence, prayer is may be noted and necessary orders may be passed. Perused order sheet, the petitioner has filed this petition in the year 2020. From the date of filing of this petition the petitioner is not taken steps against the respondent No.1. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 09.06.2023

ASCJ & MACT, SRIRANGAPATNA

Additional issues framed. Call on for petitioner evidence by 09.06.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 85/2023

Sri. MNP advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 23.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 63/2023

Sri. SS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 23.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 62/2023

Sri. SS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 23.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1485/2022

Sri. SS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 23.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1484/2022

Sri. SS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 23.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1483/2022

Sri. SS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 23.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 62/2020

Sri. PAS advocate for respondent No.2 field IA No.4 u/s 170 of IMV act seeking permission to take all the defenses available to the respondent No.1.

Perused and same is allowed. Respondent No.2 is permitted to taken defense available to the respondent No.1. And also furnished no further evidence for respondent side. In view of the submission made by the counsel for respondents, respondent evidence is closed. Call on for arguments by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 643/2020

Sri. KPK advocate for respondent No.2 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record.

Call on for issues framed by 05.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 2308/2019

Sri. KPK advocate for respondent No.2 filed IA No.4 u/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No.5 u/s 151 of CPC seeking permission to lead the respondent evidence. Perused IA's and same are allowed in the interest of justice and equity. Call on for respondent evidence finally by 30.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 866/2021

Sri. DSS advocate for petitioner filed a memo to club MVC 866/2021 and 867/2021 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 867/2021 is clubbed with MVC 866/2021 and common evidence recorded in MVC 866/2021.

Petitioner in MVC 866/2021 and 867/2021 are present and filed their affidavit in lieu of their examination in chief of PW1 and 2.

Call on for further chief of PW1 and PW2 by 09.06.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1101/2019

Sri. DGN advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record.

Call on for issues by 05.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

CC 54/2019

Accused No.1, 3 to 5 are present.

Sri. DPK advocate for accused No.3 to 5 filed application U/s 70(2) of Cr.P.C. for recall of NBW against the accused No.3 to 5. Perused application and same is allowed with penalty of Rs.100/- each.

And also filed bail application u/s 437 of Cr.P.C. for accused No.2. Call on for objections to bail application by 02.05.2023 and appearance of other accused by 10.05.2023

I/C PSCJ & JMFC, SRIRANGAPATNA

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Issues framed. Call on for petitioner evidence by 13.06.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 868/2019

Sri. PAS advocate for respondent No.2 field IA No.3 u/s 170 of IMV act seeking permission to take all the defenses available to the respondent No.1.

Perused and same is allowed. Respondent No.2 is permitted to taken defense available to the respondent No.1. And also furnished no further evidence for respondent side. In view of the submission made by the counsel for respondents, respondent evidence is closed. Call on for arguments by 26.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 553/2019

Sri. KVY advocate for petitioner filed IA No.6 U/s 151 of CPC seeking reopen the case from the stage of arguments, IA No.7 U/o 18 rule 17 of CPC seeking permission to examination doctors and also field IA No.8 U/o 26 rule 9 of CPC seeking for appointment of court commissioner. Call on for objection to IA No.6 to 8 by 29.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1176/2018

Sri. MKS advocate for petitioner filed IA No.5 u/o 16 rule 1 and 2 r/w Sec. 151 of CPC seeking permission to file list of witness and along with witness list.

Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue summons to witness No.1 and 2 if PF is paid. R/by 09.06.2023

ASCJ & MACT, SRIRANGAPATNA

CC 54/2019

The accused No.2 by name Raghu S/o Swamy, aged about 32 years, R/o Ganjam, Srirangapatna is produced under NBW through DRFO., Ranganathittu, Srirangapatna Taluk.

On enquiry he has arrested at 11.30 a.m. and he is not complained against the Forest Officers. The accused No.2 taken to Judicial custody and remanded to JC till 10.05.2023

I/C PSCJ & JMFC, SRIRANGAPATNA

CC 37/2020

Accused No.1 present. Sri. DRN advocate for accused No.1 filed application U/s 70(2) of CR.P.C. for recall of NBW against the accused No.1. Perused application and same is allowed with penalty of Rs.200/-. NBW recalled. Call on hearing date by 24.05.2023

I/C PSCJ & JMFC, SRIRANGAPATNA

Accused No.1 by name Naveen Kumar as per charge sheet is present.

Sri. NS advocate for accused No.1 filed vakalath and Bail application U/s. 436 of Cr. P.C. and prays to release accused on cash security as accused unable to secure surety. Heard argument and perused record. It appears that police have registered case against the accuse for the offense punishable U/s. 279 and 304(A) of IPC and 187 of IMV Act. During the course of investigation the accused has been released by the police on personal bond of accused. After completion of investigation, the police have filed the charge sheet against the accused for the offenses punishable U/s. 279 and 304(A) of IPC. All the alleged offenses are bailable in nature and triable by this Court. The accused has not misused the liberty granted by the police. It appears from the charge sheet that the accused is resident of Srirangapatna Town. Hence, this

court is of opinion that it is fit case to release accused No.1 on his cash security. Hence, I proceed to pass the following:

ORDER

Surety by name Sathishkumar B.C. S/o B.Chowdegowda, Aged about 50 years, Koodalakuppe Village, K.Shettahalli Hobli, Srirangapatna Taluk is present and filed his affidavit along with RTC extract and copy of Voter Identity Card. Enquiry held. Surety is found solvent. Hence, surety is accepted for accused No.1.

Office is order to take bond. Copy of charge sheet furnished to counsel for accused No.1.

Sri. NS advocate received charge sheet.

For hearing on charge by 07.06.2023

I/C PSCJ & JMFC, SRIRANGAPATNA

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MVC 1333/2022

Sri. PAS advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. SSP advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record.

Reissue notice to respondent No.1 R/by 08.06.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 367/2022

Sri. PAS advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. GSN advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record.

Issues framed. Call on for petitioner evidence by 13.06.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 581/2020

Sri. MVG advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. NMM advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record.

Additional issues framed. Call on for petitioner evidence by 30.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 220/2023

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.1 and 2 and case is referred to Lok Adalath on 08.07.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 217/2023

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 last chance by 03.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 262/2018

Sri. MRR advocate for petitioner filed IA No.3 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to Dr.Siddalingamurthy, Orthopedic Surgeon, J.S.S. Hospital, Mysore to produce case sheet and X-ray as per IA and adduced evidence pertaining to the injured petitioner by name Kannika.

Sri. NP advocate for respondent No.2 submits no objections. Heard arguments and perused IA No.3 and same is allowed in the interest of justice and equity.

Issue hand summons to Dr.Siddalingamurthy, Orthopedic Surgeon, J.S.S. Hospital, Mysore to produce case sheet and X-ray as per IA and adduced evidence pertaining to the injured petitioner by name Kannika.

Call on for further petitioner evidence by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 261/2018

Sri. MRR advocate for petitioner filed IA No.3 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to Dr.Vijay L., Plastic Surgeon, Anagha Hospital, Mysore to produce documents and adduced evidence pertaining to the injured petitioner by name Shekarappa @ Shekhar.

Sri. NP advocate for respondent No.2 submits no objections. Heard arguments and perused IA No.3 and same is allowed in the interest of justice and equity.

Issue hand summons to Dr.Vijay L., Plastic Surgeon, Anagha Hospital, Mysore to produce documents and adduced evidence pertaining to the injured petitioner by name Shekarappa @ Shekhar.

Call on for further petitioner evidence by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

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Issues framed. Call on for petitioner evidence by 09.06.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. GPJ advocate of petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggest name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 06.06.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. GPJ advocate of petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. GMV advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggest name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 06.06.2023.

ASCJ & MACT, SRIRANGAPATNA

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MVC 383/2022

Sri. DSS advocate for petitioner filed a memo to club MVC 383/2022 and 384/2022 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 384/2022 is clubbed with MVC 383/2022 and common evidence recorded in MVC 383/2022.

Petitioner in MVC 383/2022 and 384/2022 are present and filed their affidavit in lieu of their examination in chief of PW1 and 2.

Call on for further chief of PW1 and PW2 by 05.05.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 94/2021

Sri. SSP advocate for plaintiff filed IA No.2 u/o 16 rule 1 and 2 of CPC seeking permission to file witness list and along with witness list. Perused application and same is allowed in the interest of justice and equity.

Issue SS to witness No.1 if PF is paid. Call on for further evidence of plaintiff by 07.06.2023

ASCJ, SRIRANGAPATNA

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MVC 510/2020

Sri. DPK advocate for petitioner filed IA No.2 U/s 151 of CPC reopen the case from the stage of judgment. And also filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 and 3 are allowed. Consequently, Commissioner is appointed.

Sri. DPK advocate for petitioner suggest name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DPK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 12.05.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 76/2021

Sri. GR advocate for petitioner filed application u/s 152 of CPC seeking pass an order for amend the plaint Hampapura Village instead of Pandavapura Village in the decree schedule. Perused plaint the suit schedule property is situated at Hampapura Village while drawing decree typed as Pandavapura Village instead of Hampapura. It is the clerical mistake. It can be rectified at any point of time. Therefore I proceed to pass following,

ORDER

Application u/s 152 filed by the petitioner is hereby allowed.

The office is directed to correction the clerical mistake in the decree itself.

ASCJ, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 09.05.2023

ASCJ & MACT, SRIRANGAPATNA

Heard Sri. DKP advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 r/w sec. 151 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of declaration and partition of suit schedule properties contending that, suit schedule properties are joint family properties of plaintiff and defendant No.1 to 10 and 12 and he is entitled for share in the suit schedule properties.

Now the defendants are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the properties. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of his application the plaintiff has sworn affidavit and produced Family G.Tree, RTC, MR, Demand Register copy, Will and other documents pertaining to the suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiff claims that he is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as they claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to

alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendants as prayed in I.A.No.I and the defendants are restrained not to alienate the suit schedule properties, if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 15.06.2023.

ASCJ, SRIRANGAPATNA

Sri. KSN advocate for appellant filed IA No.2 U/o 5 rule 20 r/w Sec. 151 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to respondent No.3 and 9 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against respondent. Hence IA No.2 is allowed. Consequently, the appellant is permitted to take sub service against respondent by way of paper publication.

Sri. KSN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where respondent reside or carries business for his livelihood on or before 02.05.2023 and direct respondent to appear before this Court on 20.06.2023.

Sri. KSN advocate for appellants undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper

publication to counsel for petitioner.

For compliance of order and appearance of respondent by 20.06.2023.

ASCJ, SRIRANGAPATNA

MVC 1254/2019

Sri. ANK advocate of petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. ANK advocate for petitioner suggest name of Sri. CKP advocate as Commissioner for examination of petitioner.

Sri. CKP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CKP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ANK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 05.05.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1253/2019

Sri. ANK advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. ANK advocate for petitioner suggest name of Sri. CKP advocate as Commissioner for examination of petitioner.

Sri. CKP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CKP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ANK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 05.05.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 230/2023

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Case is referred to Lok Adalath on 24.06.2023

ASCJ & MACT, SRIRANGAPATNA

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RA 26/2023: 17.04.2023

Sri. NKS advocate for appellant on I.A. No.2 filed a memo with documents. Heard argument on IA 2 and perused the materials available on record.

The appellant has filed the present appeal to set aside judgment and decree passed in OS 57/2014 dated 05.02.2014 by the Prl. Civil Judge, Srirangapatna. He also filed IA 2 u/o 41 rule 5 r/w sec.151 of CPC to stay operation and execution of judgment and decree. In the affidavit filed in support of application appellant sworn that the respondents filed the suit for specific performance of contract. The appellant could not appear before the trail court and not filed any written statement and she has got good document to depend her case. If the operation of judgment and decree not stayed the appellant will be put to irreparable loss which cannot be compensating. Therefore the appellant prayed to stay operation and execution of judgment and decree and also stay the execution petition pending before the Prl. Civil Judge and JMFC, Junior Division, Srirangapatna in Ex No.30/2017.

In support of her application the appellant has produced certified copy of judgment and decree passed in OS 57/2014 on file of Prl. Civil Judge, Srirangapatna.

I carefully gone through the

plaint averments, affidavit filed in support of I.A.No.2 and documents produced along with appeal memo. On perusal of records, it appears there are reasonable grounds to consider IA No.2. At this stage it appears that, appellant has made out a prima-facie case to proceed against respondents. If operation and execution of judgment and decree is not stayed the very purpose of filing appeal will be defeated. Further this Court is of the opinion that it is fit case to dispense with notice of IA 2 as the matter is urgent in nature and the purpose of filing appeal will be defeated by reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

The judgment and decree passed in OS 57/2014 dated 05.02.2014 passed by the Prl. Civil Judge, srirangapatna and execution petition filed by the respondents in Ex. No. 30/2017 are stayed disposal of the appeal.

Issue notice of appeal memo and IA No.I and 2 to the respondents if PF and copies furnished. Returnable by 07.06.2023

ASCJ, SRIRANGAPATNA

MVC 1048/2019

Sri. ATJ advocate for petitioner filed IA No.8 u/s 151 of CPC seeking pass an order for reopen the case from the stage of arguments and also filed IA No.9 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness by condoning the delay and along with witness list.

Respondents and their counsels called out. Absent. Hence, objections taken as not filed. Perused IA and affidavits and same are allowed in the interest of justice and equity. Case is reopened and witness list taken as on record. Call on for further petitioner evidence by 20.05.2023

ASCJ & MACT, SRIRANGAPATNA

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Call on for written statement of respondent No.4 by 06.05.2023

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for further chief of PW1 by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 588/2022

Sri. NKS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 773/2019

Sri. DRN advocate for petitioner filed IA No.5 u/o 16 rule 1 and 2 r/w Sec. 151 of CPC seeking permission to file list of witness and along with witness list.

Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue hand summons to Dr.Ravi, Neuro Surgeon, St.Joseph Hospital, Mysore. Call on for further petitioner evidence by 02.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1552/2022

Sri. GGS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 04.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1424/2022

Sri. NSR advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath. And Sri. SB advocate for respondent No.2 filed IA No.3 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath.

Perused IA's and same are allowed. Exparte order against the respondent No.2 and 3 are hereby set aside.

Call on for written statement of respondent No.2 and 3 by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1423/2022

Sri. NSR advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath. And Sri. SB advocate for respondent No.2 filed IA No.3 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath.

Perused IA's and same are allowed. Exparte order against the respondent No.2 and 3 are hereby set aside.

Call on for written statement of respondent No.2 and 3 by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 140/2022

Reissue notice to respondent No.1 through RPAD. R/by 02.05.2023

ASCJ & ASCJ, SRIRANGAPATNA

Sri. CRD advocate for petitioner filed IA No.2 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to RMO, Appollo Hospital, Mysore to produce Case Sheet and X-ray documents pertaining to the injured petitioner by name Smt. Jayamma.

Sri. HMN advocate for respondent No.2 submits no objections. Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to RMO, Appollo Hospital, Mysore to produce Case Sheet and X-ray documents pertaining to the injured petitioner by name Smt. Jayamma

Call on for further petitioner evidence by 04.05.2023

ASCJ & MACT, SRIRANGAPATNA

OS 168/2022

Sri. SSP advocate for defendant No. 5 filed IA no. 6 filed U/s 151 of CPC seeking permission file written statement of defendant No. 5 and along with W.S.

On the other hand SLG advocate for plaintiff submits IA. No. 6 filed by the Defendant No. 5 may allowed with cost.

Perused IA and affidavit and same is allowed with cost of Rs. 300/- and written statement of defendant No. 5 taken as on record. Call on for objection to IA. 5 by 07.06.2023.

ASCJ & MACT, SRIRANGAPATNA

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EX 122/2019

Sri. HR advocate for Dhr filed IA No.3 u/o 16 rule 6 of CPC issue SS to PDO., Mahadevapura to produce 9 and 11 extract pertaining to the property bearing Khatha No.1101/1063, Mahadvepura Village.

Perused IA and affidavit and same is allowed. Issue SS to PDO., Mahadevapura to produce 9 and 11 extract pertaining to the property bearing Khatha No.1101/1063, Mahadvepura Village if PF is paid. R/by 06.06.2023

ASCJ, SRIRANGAPATNA

FDP 5/2016

The petitioners and their counsels are present.

The petitioners have filed the application u/s 151 of CPC seeking pass an order for revalidates the final decree obtained by the petitioners.

Perused IA and affidavit, the petitioners stated that they have obtained final decree on stamp paper from this court but he is not produced before the Sub Registrar for registration is in time due to unavailable circumstances, the reasons assigned by the petitioners is to be acceptable one. Therefore, I proceed to pass following,

ORDER

The application u/s 151 of CPC filed by the petitioners is hereby allowed.

Office is directed to revalidates the decree.

ASCJ, SRIRANGAPATNA

FDP 16/2015

Sri. HC advocate for petitioner filed IA No.7 u/s 151 of CPC seeking reopen the case from the stage of hearing and also filed IA No.8 u/s 151 of CPC for recall of PW1 for the purpose of further chief examination of PW1. Perused IA's and same are allowed in the interest of justice and equity.

Call on for further chief of PW1 by 24.05.2023

ASCJ, SRIRANGAPATNA

Sri. DRN advocate for appellant filed IA No.1 U/o 5 rule 20 r/w Sec. 151 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent No.3 and 9. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to respondent No.3 and 9 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against respondent No.3 and 9. Hence IA No.1 is allowed. Consequently, the appellant is permitted to take sub service against respondent No.3 and 9 by way of paper publication.

Sri. DRN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where respondent No.3 and 9 reside or carries business for their livelihood on or before 23.05.2023 and direct respondent to appear before this Court on 25.05.2023.

Sri. DRN advocate for appellants undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent No.3 and 9 by 25.05.2023.

ASCJ, SRIRANGAPATNA

MVC 1655/2022

Sri. SA advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Issue notice to respondent No.1 through RPAD and written statement of respondent No.2 and 3 by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 626/2022

Sri. GMV advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. GSN advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record.

Call on for await notice of respondent No.1 by 28.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1067/2021

Sri. NVR advocate for petitioner filed IA No.5 u/o 16 rule 1 r/w Sec. 151 of CPC seeking permission to file list of witness and along with witness list.

Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue hand summons to Manager, Kalyan Jewelers, Hassan to produce Salary Certificate and Service Register Extract of deceased N.K.Ravikumar and give evidence.

Call on for further petitioner evidence by 26.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1715/2016

Sri. SB advocate for respondent No.2 filed IA No.3 U/o 16 rule 4 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to RTO, Mysore, to produce driving license extract of Chandrashekara @ Basavanna S/o Basavanna and give evidence.

Sri. NKS advocate for petitioner submits no objections. Heard arguments and perused IA No.3 and same is allowed in the interest of justice and equity. summons to RTO, Mysore, to produce driving license extract of Chandrashekara @ Basavanna S/o Basavanna and give evidence.

Call on for further respondent evidence by 09.05.2023

ASCJ & MACT, SRIRANGAPATNA

OS 6/2011

Sri. CRD advocate filed IA No.46 u/s 151 of CPC seeking permission to file written statement of defendant No.10 and 12 and along with written statement and vakalath for defendant No.10 and 12 with no objections.

Sri. PG advocate for plaintiff submits no objections.

Sri. SN advocate for defendant No.18, Sri. MSS for defendant No.15 and Smt. LV advocate for defendant No.1 to 3 and 5 to 9 prays time to file objections. There is no grounds. Hence, prayer is rejected and objections taken as not filed. Perused IA and affidavit and same is allowed with cost of Rs.5,000/-. Cost amount goes to defendant No.1 to 3, 5 to 9 and 15 and 18 only.

Vakalath and written statement of defendant No.10 and 12 taken as on record.

Perused written statement of defendant No.10 and 12 they have sought for decree the suit and they have ready to pay court fee in respect of their shares. Hence, additional issues does not arise at all.

Call on for compliance and cross examination of DW1 to 3 by 15.04.2012

ASCJ, SRIRANGAPATNA

Sri. HR advocate for defendants filed IA No.9 u/o 8 rule 1(a) of CPC seeking permission to produce list with documents by condoning delay and along with list with one document, IA No.10 u/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No.11 u/o 18 rule 17 of CPC for recall of DW1 for the purpose of further chief of DW1.

On the other hand Sri. BNG advocate for plaintiff prays time to file objections. There is no grounds. Hence, objection taken as not filed. Perused and same are allowed with cost of Rs.200/- each. Cost paid. Case is reopened and list with documents is taken on record. Call on for further chief of DW1 by 13.04.2023.

ASCJ, SRIRANGAPATNA

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MVC 1508/2017

Sri. DRN advocate for petitioner filed IA No.5 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to RMO, M.S.Ramaiah Hospital, Bangalore, to produce documents pertaining to the injured petitioner by name Lakshmipathi.

Sri. SS advocate for respondent No.2 submits no objections. Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to RMO, M.S.Ramaiah Hospital, Bangalore to produce documents pertaining to the injured petitioner by name Lakshmipathi.

Call on for further petitioner evidence by 05.05.2023

ASCJ & MACT, SRIRANGAPATNA

EX 118/2012

Sri. PG advocate for Dhr filed IA No.8 u/o 21 rule 52 of CPC seeking pass an order for attach the currect account maintain by the Divisional Controller, KSRTC, Mysore Division in State Bank of India, Ashoka Road, Mysore which is account number mentioned in the IA.

Perused IA and affidavit and same is allowed. The current account No.64082356943 maintain by the Jdr is hereby attached. Issue attachment warrant as prayed for. R/by 22.05.2023

ASCJ, SRIRANGAPATNA

OS 96/2018

Sri. DP advocate filed written arguments.

Sri. SSP advocate for defendants filed retirement memo along with notice, RPAD receipts and acknowledgement. Perused retirement memo and same is accepted. Office is directed to issue court notice to defendants. R/by 18.04.2023

ASCJ, SRIRANGAPATNA

OS 4/2020

Sri. SK advocate for plaintiff filed IA No.11 u/s 151 of CPC seeking permission to file objection to IA No.10 and along with objections. Perused IA and same is allowed in the interest of justice and equity with cost of Rs.200/-. Objection is taken as on record. Call on for to hear on IA No.10 by 30.05.2023

ASCJ, SRIRANGAPATNA

OS 36/2022

Sri. IKR advocate for defendants filed u/s 151 of CPC for extension of one month time to file written statement. Perused IA and same is partly allowed.

And also filed IA No.7 u/o 7 rule 11(a) and (d) for rejection of plaint. Call on for objection to IA No.7 and written statement of defendants by 30.05.2023

ASCJ, SRIRANGAPATNA

Sri. SCK advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. KJV advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 26.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1598/2020

Sri. GR advocate for respondent No.1 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.1 and along with written statement.

On the other hand Sri. TNS advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.1 taken on record. Call on for issues by 26.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1217/2022

Sri. SEL advocate for respondent No.1 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.1 and along with written statement.

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.1 taken on record. Sri. DPK advocate filed amended petition. Call on for issues by 25.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

Sri. LS advocate for petitioner filed IA No.4 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. LS advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 02.05.2023 and direct respondent No.1 to appear before this Court on 28.06.2023

Sri. LS advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 28.06.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 50/2023

Sri. NKM advocate filed IA No.3 U/o 9 rule 7 of CCP for set aside the exparte order passed against the defendant No.1 and along with vakalath.

On the other hand Sri. BKP advocate for plaintiff submits no objections. Perused IA and same is allowed. Call on for written statement of defendant No.1 by 25.05.2023

ASCJ, SRIRANGAPATNA

OS 18/2023

Sri. SS advocate for defendant filed IA No.3 u/s 148 of CPC seeking adjournment to file written statement of defendant. Perused IA and same is allowed.

Call on for written statement of defendant by 22.05.2023

ASCJ, SRIRANGAPATNA

OS 6/2011

Sri. MSS advocate for defendant No.15 filed IA No.44 u/s 151 of CPC seeking reopen the case and also filed IA No.45 u/o 18 rule 17 of CPC for recall of DW2 and 3 for the purpose of cross examination.

On the other hand Sri. PG advocate for plaintiff submits that IA No.44 and 45 filed by the defendant No.15 may be allowed with heavy cost.

Perused IA and affidavit and same are allowed with cost of Rs.300/- each.

DW3 present. Fully cross examined by the defendant No.15 and partly cross examined by the plaintiff. Call on for further cross of DW3 by 11.04.2023

ASCJ, SRIRANGAPATNA

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MVC 316/2018: 06.04.2023

Again at 5.45 p.m. case is called out. Petitioner and their counsels are absent. Perused order sheet, the petitioner filed this petition on 21.02.2018. Case was posted for petitioner evidence on 07.11.2019. On the same day the petitioner was examined as PW1 and got marked Ex.P.1 to 12. From the date of filing of examination in chief of PW1 is continuously absent on 21.11.2019 and so many times this court has orally directed the counsel for petitioner to keep present the PW1 and to proceed the case, but the counsel for petitioner or petitioner did not ready to proceed the case against the respondents. It shows that the petitioner is not interested to proceed with case against the respondents. Hence, petition is dismissed for non prosecution.

ASCJ & MACT, SRIRANGAPATNA

MVC 486/2020

Sri. HMN advocate for respondent No.4 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. NMM advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 24.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1376/2020

Sri. MGP advocate for petitioner filed IA No.4 u/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No.5 u/o 16 rule 1 and 6 r/w Sec.151 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. RV advocate for respondent No.2 submits no objection.

Perused IA's and affidavits and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witnesses as prayed in the IA. Call on for further petitioner evidence by 28.04.2023

ASCJ & MACT, SRIRANGAPATNA

FDP 17/2020

Sri. LV advocate for petitioners filed IA No.2 u/s 151 of CPC seeking direction to the petitioner No.2 to deposit the golden ornaments in her custody. Call on for objections if any by 13.06.2023

ASCJ, SRIRANGAPATNA

FDP 12/2017

Smt. LV advocate for petitioner filed application u/s 151 of CPC seeking permission to amend the compromise petition which has filed by the both parties on 14.08.2021 as prayed in the IA. Perused IA and same is allowed. The petitioner is permitted to carried out amendment in the compromise petition.

The petitioners and their Counsels are present.

The petitioners have filed the application u/s 151 of CPC seeking pass an order for revalidates the final decree obtained by the petitioners.

Perused IA and affidavit, the petitioners stated that they have obtained final decree on stamp paper from this court but they are not produced before the Sub Registrar for registration is in time due to unavailable circumstances, the reasons assigned by the petitioners is to be acceptable one. Therefore, I proceed to pass following,

ORDER

The application u/s 151 of CPC filed by the petitioners is hereby allowed.

Office is directed to revalidates the decree.

ASCJ, SRIRANGAPATNA

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OS 80/2015

Sri. MB advocate for defendant No.1 filed IA No.18 u/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No.19 u/o 18 rule 17 of CPC for recall of PW2 and 3 for cross examination.

Sri. SRS advocate for plaintiff submits IA's filed by the defendant No.1 may be allowed with heavy cost.

Perused IA No.18 and 19 filed the by the counsel for defendant No.1 and are hereby allowed with cost of Rs.250/- each. Cost paid. Case is reopened. Call on for cross of PW2 and 3 last chance by 10.04.2023

ASCJ, SRIRANGAPATNA

OS 58/2019

Sri. APN advocate for defendant No.5 to 7 filed IA No.7 u/s 151 of CPC seeking reopen the case from the stage of arguments.

On the other hand Sri. ATJ advocate for plaintiff submits IA may be allowed on cost.

Sri. BRL advocate for defendant No.2 filed IA No.8 u/s 151 of CPC seeking reopen the case from the stage of arguments and also filed IA No.9 u/o 18 rule 17 of CPC for recall of defendant No.2 to lead the evidence.

Sri. ATJ advocate for plaintiff submits IA's filed by the defendant No.2 may be allowed with heavy cost.

Perused IA No.7 to 9 filed the by the counsel for defendant No.2 and 5 to 7 are allowed with cost of Rs.500/- each. Case is reopened and permit the defendant No.2 and 5 to 7 are lead the evidence last chance by 06.04.2023

ASCJ, SRIRANGAPATNA

MVC 1491/2022

Smt. GMV advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.2 by 28.04.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. BSS advocate of petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. MVG advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. BSS advocate for petitioner suggest name of Sri. IKR advocate as Commissioner for examination of petitioner.

Sri. IKR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. IKR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. BSS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 03.05.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1065/2022

Sri. HLS advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. APN advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 10.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 905/2020

Sri. HLS advocate for respondent No.2 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. APN advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 10.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

OS 80/2022

Sri. APN advocate for defendant No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of defendant No.2 and along with written statement. Perused IA and same is allowed with cost of Rs.200/- and written statement of defendant No.2 is taken on for compliance u/s 89 of CPC by 25.05.2023

ASCJ, SRIRANGAPATNA

OS 52/2022

Sri. BSS advocate for plaintiff filed IA No.2 u/o 1 rule 10 (2) of CPC to implead the IA schedule persons as proposed defendant No.5 to 10 and also filed IA No.3 u/o 6 rule 17 of CPC seeking permission to amend the plaint.

Issue notice to proposed defendant No.5 to 10 on IA No.2 and objections to IA No.3 by 14.06.2023

ASCJ, SRIRANGAPATNA

MVC 376/2018

Sri. GSN advocate of petitioner filed IA No.6 u/o 16 rule 1 and 6 r/w Sec.151 of CPC seeking permission to file list of witness and issues summons to witness.

Counsel for respondent No.2 called out. Absent. Hence, objection taken as nil.

Perused IA and affidavit and same are allowed in the interest of justice and equity.

Issue summons to the witness as prayed in the IA. Call on for further petitioner evidence by 09.05.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 568/2019

Smt. KLS advocate for respondent No.2 filed IA No.4 u/o 1 rule 10(2) of CPC seeking pass an order for delete the respondent No.2.

On the other hand Sri. MGP advocate for petitioner submits no objections. Perused IA and same is allowed. The respondent No.2 is deleted in the cause title. Call on for amendment and amended petition and steps by 18.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 107/2019

Sri. LS advocate for petitioner filed IA No.2 U/s 151 of CPC reopen the case from the stage of cross of PW1. And also filed IA No.3 U/s 151 of CPC seeking permission to lead the further chief of PW1.

On the other hand Sri. NP advocate for respondent No.2 submits no objection.

Perused IA's and affidavits and same are allowed in the interest of justice and equity. Case is reopened and lead further chief of PW1. Call on for further chief of PW1 by 03.05.2023

ASCJ & MACT, SRIRANGAPATNA

OS 22/2022

Sri. SRK advocate for defendant No.2 and 3 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of defendant No.2 and 3 and along with written statement. Perused IA and same is allowed with cost of Rs.200/- and written statement of defendant No.2 and 3 is taken on record. Call on for compliance u/s 89 of CPC 22.05.2023

ASCJ, SRIRANGAPATNA

OS 40/2021

Sri. NVN advocate filed IA No.6 U/o 9 rule 7 of CCP for set aside the exparte order passed against the defendant No.1 and 3 and along with vakalath and written statement.

On the other hand Sri. MNN advocate for plaintiff submits no objections. Perused IA and same is allowed and written statement of defendant No.1 and 3 taken as on record. Call on for compliance u/s 89 of CPC by 25.05.2023

ASCJ, SRIRANGAPATNA

OS 38/2018

Sri. MCM advocate for plaintiff reported the death of defendant No.1 by filing memo. And also filed another memo stating that the defendant No.2 to 17 are the Lrs of defendant No.1. perused memos and are accepted. Call on for amendment and amended plaint by 19.04.2023

ASCJ, SRIRANGAPATNA

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MVC 1714/2019: 01.04.2023

Again at 01.55 p.m. case is called out. Counsel for petitioner is present and prays time for petitioner evidence. Perused order sheet already sufficient opportunities is given to the petitioner. But he did the not proceed with case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

EX 62/2019: 01.04.2023

Sri. SS advocate for Dhr prays time for taken steps. Perused order sheet already sufficient opportunities has been given to the Dhr for taken steps. Hence, prayer is rejected and petition is dismissed for default at present.

ASCJ, SRIRANGAPATNA

EX 104/2017

Sri. NC advocate for Dhr filed IA No.1 U/o 5 rule 20(1) of CPC along with memorandum of facts for permission to take sub service by way of paper publication against Jdrs Heard arguments on IA No.1 and perused record. It appears that though this court has issued notice to Jdrs on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the Dhr to take sub service against Jdrs. Hence IA No.1 is allowed. Consequently, the Dhr is permitted to take sub service against Jdrs by way of paper publication.

Sri. NC advocate for Dhr filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Dhr is directed to get publish paper publication in Hosa Digantha News paper where Jdrs reside or carries business for their livelihood on or before 26.04.2023 and direct defendants to appear before this court on 29.05.2023.

Sri. NC advocate for Dhr undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of Jdrs by 29.05.2023.

ASCJ, SRIRANGAPATNA

MVC 1243/2022

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.2 by 25.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 96/2023

Sri. SJD advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside.

Issue notice to respondent No.1 through hands of petitioner. Call on for written statement of respondent No.2 and appearance of respondent No.1 by 24.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1718/2022

Sri. KPK advocate filed power for respondent No.2.

Reissue notice to respondent No.1 through RPAD. Call on for written statement of respondent No.2 and appearance of respondent No.1 by 02.05.2023

ASCJ & MACT, SRIRANGAPATNA

PW1 present. Fully cross examined.

Sri. SEL advocate for plaintiff filed IA No.21 u/s 151 of CPC reopen the case from the stage of further defendant evidence, IA No.22 u/o 7 rule 14(3) of CPC seeking permission to produce list with documents by condoning delay and along with list with documents and also filed IA No.23 u/o 18 rule 17 of CPC for recall on DW1 for the purpose of cross examination.

On the other hand Sri. BTM advocate for Lrs of defendant No.1 submits that IA No.21 to 23 are may be allowed with heavy cost. Perused IA's and affidavits and same are allowed with cost of Rs.300/- each. Cost paid. Case is reopened, list with documents taken as on record and DW1 is recalled for the purpose of cross examination. Call on 12.04.2023

ASCJ, SRIRANGAPATNA

OS 158/2018

Sri. HR advocate for plaintiff filed IA No.11 u/o 7 rule 14(3) of CPC seeking permission to produce list with documents by condoning delay and along with list with documents and also filed IA No.12 u/o 18 rule 17 of CPC for recall on PW1 for the purpose of further chief examination.

On the other hand Sri. LV advocate for defendants submits that IA No.11 and 12 are may be allowed with heavy cost. Perused IA's and affidavits and same are allowed with cost of Rs.100/- each. Call on for further chief of PW1 by 12.04.2023

ASCJ, SRIRANGAPATNA

OS 84/2019

Sri. CSS advocate for defendant No.3 and 4 filed IA No.4 u/o 9 rule 7 of CPC to set aside the exparte order against the defendant No.3 and 4 and along with vakalath,

Plaintiff and their counsels are called out. Absent. Hence, objection is taken as not filed. Perused IA and same is allowed with cost of Rs.200/-. Call on for written statement of defendant No.3 and 4 by 24.05.2023

ASCJ, SRIRANGAPATNA

OS 112/2022

Sri. NP advocate for defendant No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of defendant No.2 and along with written statement. Perused IA and same is allowed with cost of Rs.200/- and written statement of defendant No.2 is taken on record. Call on to hear on IA No.2 by 17.04.2023

ASCJ, SRIRANGAPATNA

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EX 1/2019: 31.03.2023

Sri. ABN advocate for Dhr filed application u/o 21 rule 43 of CPC seeking pass an order for release the cost awarded by this court in OS No.32/2018. Perused IA and same is allowed. Office is directed to return the cost amount in favour of Dhr in accordance with law.

And also filed memo stating that the execution may be dismissed as fully satisfied. Call on for hearing by 31.03.2023

ASCJ, SRIRANGAPATNA

Heard arguments on memo. Perused memo and same is accepted. Execution petition is disposed off as fully satisfied.

ASCJ, SRIRANGAPATNA

EX 124/2014: 31.03.2023

Case called out. The counsel for Dhr as well as Jdr and their clients are present. On perusal of the entire records available in the execution petition that on 27.03.2023. The Dhr has produced order passed by the Karnataka State Co-Operative Agricultural and Rural Development Ltd., on dated 14.03.2023 it reveals that if the Jdr is paid Rs.4,50,042/- on or before 31.03.2023. The interest amount of Rs.1,70,958/- will be deducted. As per the orders of Co-Operative bank the Jdr is ready to pay the amount.

That on 27.03.2023, the Jdr has paid Rs.20,000/- and on 29.03.2023 he has paid 1,50,000/-, yesterday he has paid Rs.1,00,000/-. Today he has paid 1,61,400/- Totally he has paid Rs.4,50,042/-. The counsel for Dhr is present and filed fully satisfied memo. Perused memo and same is accepted. Execution is disposed as fully satisfied.

ASCJ, SRIRANGAPATNA

OS 70/2019: 31.03.2023

Again at 5.45 p.m. case is called out. Plaintiff and their counsels called out. Absent. No representation. Perused order sheet, the plaintiff and their counsels are continuously absent. It shows that the plaintiff is not interested to proceed with the case against the defendants. Hence, suit is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

OS 106/2022

Sri. NKS advocate for defendant No.1 to 4 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of defendant No.1 to 4 and along with written statement and adoption memo.

On the other hand Sri. SB advocate for plaintiff submits that IA No.1 filed by the defendants may be allowed. Perused IA and same is allowed in the interest of justice and equity. Call on for compliance u/s 89 of CPC by 25.05.2023

ASCJ, SRIRANGAPATNA

RA 56/2022

Sri. PK advocate for appellant field application u/s 151 of CPC seeking defer the judgment in the interest of justice and equity. Perused application and same is accepted.

And also filed IA No.5 u/o 6 rule 17 of CPC seeking permission to amend the plaint. And also filed IA No.6 u/o 1 rule 10 (2) of CPC and along with appeal memo. Call on for objections by 31.03.2023.

ASCJ, SRIRANGAPATNA

Case is called out. Counsel for respondent is present and filed objections to IA No.5 and 6. Call on to hear on IA's by 06.04.2023

ASCJ, SRIRANGAPATNA

MVC 197/2023

Sri. SJD advocate filed vakalath for respondent No.3. Reissue notice to respondent No.1 and 2 through RPAD and written statement of respondent No.3. R/by 08.05.2023

ASCJ & MACT, SRIRANGAPATNA

OS 58/2020

Sri. CSV advocate for defendant No.2 and 3 filed IA No.3 u/o 9 rule 7 of CPC for set aside the exparte order passed against the defendant No.3 and along with vakalath of defendant No.3. And also filed IA No.4 u/s 151 of CPC seeking permission to file written statement of defendant No.2 and 3 and along with written statement of defendant No.2 and 3.

On the other hand Sri. SSP advocate for plaintiff submits IA No.3 and 4 filed by the defendant No.2 and 3 may be allowed with heavy cost.

Perused and same are allowed with cost of Rs.500/- each.

Cost paid, Call on for settlement as per Sec. 89 of CPC by 10.04.2023

ASCJ, SRIRANGAPATNA

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EX 11/2021

Sri. RDK advocate for Dhr filed IA No.2 U/o 5 rule 20(1) of CPC along with memorandum of facts for permission to take sub service by way of paper publication against Jdr No.1. Heard arguments on IA No.2 and perused record. It appears that though this court has issued notice to Jdr No.1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the Dhr to take sub service against Jdr No.1. Hence IA No.2 is allowed. Consequently, the Dhr is permitted to take sub service against Jdr No.1 by way of paper publication.

Sri. RDK advocate for Dhr filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Dhr is directed to get publish paper publication in Vijayavani News paper where Jdr No.1 reside or carries business for his livelihood on or before 26.04.2023 and direct defendants to appear before this court on 29.05.2023.

Sri. RDK advocate for Dhr undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper

publication to counsel for plaintiff.

For compliance of order and appearance of Jdr No.1 by 29.05.2023.

ASCJ, SRIRANGAPATNA

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OS 24/2008

Sri. MSK advocate for defendant No.6 filed IA No.10 u/s 151 of CPC seeking permission to file written statement of defendant No.6 and also filed written statement of defendant No.6.

Perused IA and affidavit and same is allowed filed by the defendant No.6 may be allowed with cost of Rs.300/-.

Perused IA and affidavit and same is allowed and written statement of defendant No.6 taken on record. Call on for additional issues 10.04.2023

ASCJ, SRIRANGAPATNA

OS 30/2019

Sri. RM advocate for defendant No.2 filed IA No.8 u/s 151 of CPC seeking reopen the case from the stage of further petitioner evidence and also filed IA No.9 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of further cross examination.

Perused IA and affidavit and same is allowed in the interest of justice and equity. Case is reopened and permitted to defendant No.2 for further cross examination of PW1 by 20.04.2023

ASCJ, SRIRANGAPATNA

MVC 1461/2019

Sri. MGP advocate for petitioner filed IA No.3 u/o 16 rule 1 and 2 r/w Sec. 151 of CPC seeking permission to file list of witness and along with witness list.

Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue hand summons to Dr.Santhosh M.S., Orthopedic and Neuro Surgeon, Vidyaranya Hospital, Mysore. Call on for further petitioner evidence by 28.04.2023

ASCJ & MACT, SRIRANGAPATNA

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RA 12/2016

Sri. GNR advocate for appellant filed IA No.8 u/o 1 rule 10(2) of CPC to implead the IA schedule persons as respondents. Heard arguments. Orders by

<u>ಅಪೀಲುದಾರರು ಸಲ್ಲಿಸಿದ ದಿವಾನಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 1 ನಿಯಮ 10(2)ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 8 ರ ಮೇಲೆ ಮಾಡಲಾದ</u>

<u>ಆದೇಶ.</u>

ಅಪೀಲುದಾರರು / ವಾದಿಗಳು ಈ ದಾವೆಯನ್ನು ಪ್ರತಿವಾದಿಗಳ ವಿರುದ್ದ ದಾವಾ ಆಸ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮಾಲೀಕತ್ವ ಘೋಷಣೆ ಮತ್ತು ಶಾಶ್ವತ ಪ್ರತಿಬಂಧಕಾಜ್ಞೆ ಆದೇಶ ಕೋರಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ದಾವೆಯಲ್ಲಿ 2 ಜನ ವಾದಿಗಳು ಮತ್ತು 2 ಜನ ಪ್ರತಿವಾದಿಗಳು ಇರುತ್ತಾರೆ. ಆ ದಾವೆಯಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು 2 ಜನ ಇದ್ದು ಏಕಪಕ್ಷೀಯರಾಗಿರುತ್ತಾರೆ. ವಿಚಾರಣೆ ನ್ಯಾಯಾಲಯವು ವಿಚಾರಣೆ ನಡೆಸಿ ದಾವೆಯನ್ನು ವಜಾಗೊಳಿಸಿರುತ್ತದೆ.

ಅಪೀಲುದಾರರು ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿ ಅರ್ಜಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವವರನ್ನು ಉದ್ದೇಶಿತ ಎದುರುದಾರರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿದ್ದು, ಸದರಿ ಅರ್ಜಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಸಹ ಒಟ್ಟು ಕುಟುಂಬದ ಸದಸ್ಯರಿದ್ದು ಸದರಿಯವರು ಸಹ ಅವಶ್ಯಕ ಪಕ್ಷಗಾರರಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಈ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಅಪೀಲುದಾರರ ಪರ ವಕೀಲರ ವಾದವನ್ನು ಆಲಿಸಲಾಯಿತು.

ಈ ಮೇಲಿನ ವಾಸ್ತವಾಂಶಗಳಿಂದ ನ್ಯಾಯಾಲಯದ ನಿರ್ಣಯ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಉದ್ಭವಿಸಿರುತ್ತವೆ.

<u>ಅಂಶ ನಂ.1</u>ಃ ಅಪೀಲುದಾರರು ಈ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಲು ಸಕಾರಣಗಳನ್ನು ನೀಡಿರುತ್ತಾರೆಯೇ?

ಅಂಶ ನಂ.2: ಏನು ಆದೇಶ ?

ಈ ಮೇಲಿನ ಅಂಶಗಳಿಗೆ ನೀಡಲಾದ ಉತ್ತರ ಈ ಕೆಳಗಿನಂತೆ ಇರುತ್ತದೆ.

ಅಂಶ ನಂ.1 ಕ್ಕೆ : ನಕರಾತ್ಮಕವಾಗಿ.

ಅಂಶ ನಂ.2 ಕ್ಕೆ : ಮಾಡಲಾದ ಅಂತಿಮ ಆದೇಶ.

ಈ ಕೆಳಕಂಡ ಕಾರಣಗಳಿಗಾಗಿ.

<u>ಕಾರಣಗಳುಃ</u>

<u>ಅಂಶ ನಂ.1</u>ಃ ಅಪೀಲುದಾರರು ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿ ಅರ್ಜಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವವರನ್ನು ಉದ್ದೇಶಿತ ಎದುರುದಾರರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿದ್ದು, ಸದರಿ ಅರ್ಜಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಸಹ ಒಟ್ಟು ಕುಟುಂಬದ ಸದಸ್ಯರಿದ್ದು ಸದರಿಯವರು ಸಹ ಅವಶ್ಯಕ ಪಕ್ಷಗಾರರಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಈ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ವಾದಿಗಳು ಈ ದಾವೆಯನ್ನು ಪ್ರತಿವಾದಿಗಳ ವಿರುದ್ದ ದಾವಾ ಆಸ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮಾಲೀಕತ್ವ ಘೋಷಣೆ ಮತ್ತು ಶಾಶ್ವತ ಪ್ರತಿಬಂಧಕಾಜ್ಞೆ ಆದೇಶ ಕೋರಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ದಾವೆಯಲ್ಲಿ 2 ಜನ ವಾದಿಗಳು ಮತ್ತು 2 ಜನ ಪ್ರತಿವಾದಿಗಳು ಇರುತ್ತಾರೆ. ಆ ದಾವೆಯಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು 2 ಜನ ಇದ್ದು ವಿಕಪಕ್ಷೀಯರಾಗಿರುತ್ತಾರೆ. ವಿಚಾರಣೆ ನ್ಯಾಯಾಲಯವು ವಿಚಾರಣೆ ನಡೆಸಿ ದಾವೆಯನ್ನು ವಜಾಗೊಳಿಸಿರುತ್ತದೆ.

ವಿಚಾರಣಾ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ **ಪಕ್ಷಗಾರರಾಗಿ ಇಲ್ಲದೇ ಇರುವವರನ್ನು ಈ ಅಪೀಲಿನಲ್ಲಿ ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡುವ ಅವಶ್ಯಕತೆ ಇರುವುದಿಲ್ಲ.** ಸದರಿ ಅರ್ಜಿಯಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರೂ ಸಹ ಒಟ್ಟು ಕುಟುಂಬದ

ಸದಸ್ಯರಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿದ್ದು ಈ ದಾವೆಯು ಘೋಷಣಾತ್ಮಕ ದಾವೆ ಆಗಿರುವುದರಿಂದ ಅಪೀಲುದಾರರ ಪರ ವಕೀಲರ ವಾದವನ್ನು ನ್ಯಾಯಾಲಯವು ಒಪ್ಪಿಕೊಳ್ಳಲು ಸಾಧ್ಯವಿಲ್ಲ. ಅಪೀಲುದಾರರ ಈ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಲು ಸಕಾರಣಗಳನ್ನು ನೀಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಅಂಶ ನಂ.1 ಕ್ಕೆ ನಕರಾತ್ಮಕವಾಗಿ ಉತ್ತರಿಸಲಾಯಿತು.

ಅಂಶ ನಂ.1 ರಲ್ಲಿ ಚರ್ಚಿಸಲಾದಂತೆ ಮಾಡಲಾದ

ಆದೇಶ.

ಅಪೀಲುದಾರರು ದಿವಾನಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 1 ನಿಯಮ 10(2) ರಡಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯನ್ನು ವಜಾಗೊಳಿಸಲಾಗಿದೆ.

ಖರ್ಚಿನ ಬಗ್ಗೆ ಯಾವುದೇ ಆದೇಶ ಇರುವುದಿಲ್ಲ.

ಅಪರ ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ,
ಶ್ರೀರಂಗಪಟ್ಟಣ

MVC 1518/2019

Sri. KPK advocate for respondent No.3 field IA No.5 u/s 151 of CPC seeking reopen the case from the stage of judgment and also filed IA No.6 u/s 151 of CPC seeking permission to lead respondent evidence. Perused IA's and same are allowed.

And also field examination in chief of RW1 by way of affidavit. Ex.R.2 and 3 are got marked. Fully cross examined. Heard arguments. Counsel for respondent No.3 filed memo along with 2 citations. Judgment by 30.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1321/2019

Sri. HCCG advocate for petitioner filed IA No.3 u/o 16 rule 1 and 2 r/w Sec. 151 of CPC seeking permission to file list of witness and along with witness list.

Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue SS to Dr.Raghavendra and Dr.Mohan G.K., Orthopedic Surgeon, and Plastic Surgeon, K.R.Hospital, Mysore. Call on for further petitioner evidence by 27.04.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. ANK advocate of petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SEL advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. ANK advocate for petitioner suggests name of Sri. CKP advocate as Commissioner for examination of petitioner.

Sri. CKP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CKP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ANK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 26.04.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 310/2020

Sri. NMM advocate for petitioner filed IA No.3 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to Dr. Shreesha, Orthopedic Surgeion, Appollo Hospital, Mysore, to produce documents pertaining to the injured petitioner by name Mahesh Kumar.

Sri. SJD advocate for respondent No.2 submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to Dr. Shreesha, Orthopedic Surgeion, Appollo Hospital, Mysore to produce documents pertaining to the injured petitioner by name Mahesh Kumar.

Call on for further petitioner evidence by 28.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 787/2022

Sri. DPK advocate for petitioner filed IA No.2 u/o 32 rule 5(1) R/w Sec. 151 of CPC seeking pass an order for appoint the wife of petitioner as guardian and list with documents. Call on for objections if any by 11.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1398/2019

Sri. KNP advocate for petitioner No.2 filed memo along with order sheet in MVC 872/2021 and memo filed by the petitioner No.2. Perused order sheet, the petitioner No.2 has filed another MVC petition in MVC No.872/2021 it is dismissed by the Hon'ble Chief Judge, Court of Small Cause, Bangalore. Call on for cross of PW2 by 26.04.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. SM advocate for defendant No.18 filled IA No.43 u/o 18 rule 17 of CPC for recall of DW1 for the purpose of cross examination.

On the other hand Sri. KK advocate for defendant No.13 submits IA may be allowed with heavy cost. Perused IA and same is allowed with cost of Rs.300/-. DW1 is recalled.

Sri. KK advocate for defendant No.13 filed examination in chief of DW2 by way of affidavit. Ex.D.1(a) is got marked. Fully cross examined by the counsel for plaintiff. Except defendant No.18 other defendants cross examination taken as nil. Last chance cross examination of DW1 and 2 by defendant No.18 only.

And Smt. LV advocate for defendant No.1 to 3 and 7 filed examination in chief of DW3 by way of affidavit. Call on for cross examination of DW1 to 3 by 10.04.2023

ASCJ, SRIRANGAPATNA

MVC 258/2019

Case called out again at 12.40 p.m. case is called out. Counsel for respondent No.2 is present. Petitioner and their counsel absent. No representation. Perused order sheet, PW1 evidence is closed on 03.03.2020. From that day till today case is set out for further petitioner evidence and so many times summons was issued to the doctor as prayed for. But he is not secure and already sufficient opportunity has been given to petitioner to lead the further petitioner evidence. Hence, further petitioner evidence taken as nil. Call on for respondent evidence by18.04.2023

ASCJ & MACT, SRIRANGAPATNA

OS 110/2019

Sri. HR advocate for defendant filed IA No.6 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witnesses by condoning the delay along along with witness list. Perused IA and same is allowed. Witness list taken on record. Call on for further defendant evidence last chance by 03.04.2023

ASCJ, SRIRANGAPATNA

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OS 6/2021: 27.03.2023

Court notice is duly served on plaintiff. Called out. Absent. Even service of court notice, plaintiff absent. It shows that,the plaintiff is not interested to proceed with the case against the defendants. Hence, suit is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MVC 1454/2022

Sri. SJD advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath and written statement of respondent No.2.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Written statement of respondent No.2 taken on record. Call on for issues by 15.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 586/2022

Sri. DGN advocate for respondent No.4 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.4 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.4 is hereby set aside. Call on for additional issues by 15.04.2023

ASCJ & MACT, SRIRANGAPATNA

OS 92/2018

Sri. MS advocate for plaintiff filed IA No.7 u/o 3 rule 2 of CPC seeking permission to produce GPA and also seeking permission proceed with the case against the defendants on behalf of Lrs of plaintiff and vakalath.

Call on for objection to IA No.7 by 17.04.2023

ASCJ, SRIRANGAPATNA

Sri. CKP advocate for petitioner filed IA No.3 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1 and w. Heard argument on IA No.3 and perused record. It appears that though this court has issued notice to R-1 and 2 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1 and 2. Hence IA No.3 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 and 2 by way of paper publication.

Sri. CKP advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 and 2 reside or carries business for their livelihood on or before 01.04.2023 and direct respondent No.1 and 2 to appear before this Court on 02.05.2023

Sri. CKP advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper

publication to counsel for petitioner.

For compliance of order and appearance of R-1 and 2 by 02.05.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. SEL advocate for appellant No.1(b) filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against Appellant No.2(a to f). Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to Appellant No.2(a to f) on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant No.1(b) to take sub service against Appellant No.2(a to f). Hence IA No.2 is allowed. Consequently, the appellant No.1(b) is permitted to take sub service against Appellant No.2 (a to f) by way of paper publication.

Sri. SEL advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant No.1(1) is directed to get publish paper publication in Andolana News paper where Appellant No.2(a to f) reside or carries business for their livelihood on or before 04.04.2023 and direct Appellant No.2(a to f) to appear before this Court on 02.05.2023.

Sri. SEL advocate for appellant No.1(b) undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of Appellant No.2(a to f) by 02.05.2023.

ASCJ & MACT, SRIRANGAPATNA

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MVC 406/2020 : 25.03.2023

Sri. KSN advocate for petitioner filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. KSN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 06.04.2023 and direct respondent No.1 to appear before this Court on 17.05.2023

Sri. KSN advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 17.05.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 88/2022: 25.03.2023

Sri. AK advocate for petitioner filed a memo to club MVC 88/2022 and 89/2022 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 89/2022 is clubbed with MVC 88/2022 and common evidence recorded in MVC 88/2022.

Petitioner in MVC 88/2022 and 89/2022 are present and filed their affidavit in lieu of their examination in chief. PW1 and 2 are examined as PW1 and 2 and Ex.P.1 to 6 are got marked.

Call on for cross examination of PW1 and PW2 11.04.2023.

ASCJ & MACT, SRIRANGAPATNA

EX. 1/2022 : 25.03.2023

Sri. GPJ advocate for Dhr filed IA No.1 u/s 224 of Karnataka Civil Rules of Practice for appointment of special process server to execute decree.

Heard Sri. GPJ advocate for decree holder on IA No.2. It appears that the decree holder has sought for issue of Attachment of Warrant for Movables of Jdr for execution. It appears that this Court has issued notices to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the Dhr to take steps by attachment movables of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 2 is allowed. Special ameen charges is fixed for Rs. 200/-.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 15.04.2023

ASCJ, SRIRANGAPATNA

MVC 1336/2022 : 25.03.2023

Sri. SJD advocate for respondent No. 2 filed IA No. 1 U/O 1 rule 10(2) of CPC seeking passed an order for delete the respondent No. 2. On the other hand Sri. HRKG advocate for petitioner submits no objection to delete the respondent NO.2. Perused IA and same is allowed.

Respondent No.2 is deleted in the cause title of the petition. Call for steps by 13.04.2023.

ASCJ, SRIRANGAPATNA

MVC 1186/2020 : 25.03.2023

Sri. CKS advocate of petitioner filed IA No.2 U/o 26 rule 10(A) r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. DGN advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. CKS advocate for petitioner suggests name of Sri. NC advocate as Commissioner for examination of petitioner.

Sri. NC advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NC advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. CKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 06.05.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1518/2020

Sri. PAS advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 15.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

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EX 152/2022: 21.03.2023

Sri. NMM advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

MVC 894/2019

Sri. NMM advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SCK advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 28.04.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 60/2022

Sri. JS advocate for defendant No.1 filed IA No.5 u/s 151 of CPC seeking permission to file written statement of defendant No.1 and also filed written statement of defendant No.1.

On the other hand Sri. HL advocate for plaintiff submits that IA No.5 filed by the defendant No.1 may be allowed.

Perused IA and affidavit and same is allowed and written statement of defendant No.1 taken on record. Call on for compliance of u/s 89 of CPC 10.04.2023

ASCJ, SRIRANGAPATNA

MVC 1482/2017

Sri. KPK advocate for respondent No.3 filed IA No.4 U/s 151 of CPC reopen the case from the stage of arguments. And also filed IA No.4 U/s 151 of CPC seeking permission to lead the evidence of respondent No.2

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA's and affidavits and same are allowed in the interest of justice and equity. Case is reopened and lead evidence of respondent. Call on for evidence of respondent No.2 by 11.04.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. DCG advocate of petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NSM advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. DCG advocate for petitioner suggests name of Sri. NSC advocate as Commissioner for examination of petitioner.

Sri. NSC advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NSC advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DCG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 28.04.2023.

ASCJ & MACT, SRIRANGAPATNA

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OS 86/2019: 20.03.2023

Sri. DRN advocate for plaintiff filed memo stating that the plaintiff and defendants have settled the matter out of court. Hence, suit may be as not pressed and entire court fee may be ordered for refund in favour of plaintiff.

Perused memo and same is accepted. The suit is dismissed as settled out of court.

Office is directed to refund court fee in accordance of law.

ASCJ, SRIRANGAPATNA

EX 149/2014: 20.03.2023

The Dhr has filed this execution petition in the year 2014 against the Tahasildar, Srirangapatna. From the date of execution petition till today only the counsel for Dhr and Dhr are present some dated only, in remaining dates they are continuously and steps not taken. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

OS 70/2020: 20.03.2023

Plaintiff absent. Sri. CM advocate for plaintiff prays time. Perused order sheet the plaintiff is continuously absent. It shows that the plaintiff is not interested to proceed with case against the defendants. Hence, prayer rejected and suit is dismissed for default.

ASCJ, SRIRANGAPATNA

Sri. MRN advocate for defendant No.3 filed objections. Perused IA and affidavit and objections filed by the defendant No.3. On perusal of IA the plaintiff is intended to insert the remaining joint family properties. Therefore, properties are necessary to include the schedule. Hence I proceed to pass following,

ORDER

IA No.5 filed by the plaintiff is hereby allowed with cost of Rs.300/-. Call on for amendment and amended plaint by 30.03.2023

ASCJ, SRIRANGAPATNA

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OS 28/2020: 18.03.2023

Sri. DS advocate for plaintiff filed memo stating that the plaintiff and defendants have settled the matter out of court. Hence, suit may be as not pressed and entire court fee may be ordered for refund in favour of plaintiff.

Perused memo and same is accepted. The suit is dismissed as settled out of court.

Office is directed to refund court fee in accordance of law.

ASCJ, SRIRANGAPATNA

EX 145/2019: 18.03.2023

Again at 5.50 p.m. case is called out. No representation. Perused order sheet from the date of filing of this execution petition the Dhr is not appeared before this court and steps not taken properly. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

EX 57/2019: 18.03.2023

Again at 5.47 p.m. case is called out. No representation. Perused order sheet from the date of filing of this execution petition the Dhr is not appeared before this court and steps not taken properly. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

EX 56/2019: 18.03.2023

Again at 5.45 p.m. case is called out. No representation. Perused order sheet from the date of filing of this execution petition the Dhr is not appeared before this court and steps not taken properly. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

OS 36/2019: 18.03.2023

Case called out. Plaintiff absent.

Sri. BS advocate for plaintiff is present and prays time for taking steps. Perused order sheet from the date of filing of this suit, the plaintiff is not appeared before this court regularly and steps not taken. It shows that the plaintiff is not interested to proceed with the case against the defendants. Hence, prayer is rejected and suit is dismissed for default.

ASCJ, SRIRANGAPATNA

EX 49/2022

Sri. HR advocate for Dhr filed IA No.1 U/o 5 rule 20(1) of CPC along with memorandum of facts for permission to take sub service by way of paper publication against Jdr No.1, 3 and 4. Heard arguments on IA No.1 and perused record. It appears that though this court has issued notice to Jdr No.1, 3 and 4 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the Dhr to take sub service against Jdr No.1, 3 and 4. Hence IA No.1 is allowed. Consequently, the Dhr is permitted to take sub service against Jdr No.1, 3 and 4 by way of paper publication.

Sri. HR advocate for Dhr filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Dhr is directed to get publish paper publication in Hosa Diganthal News paper where Jdr No.1, 3 and 4 reside or carries business for their livelihood on or before 28.03.2023 and direct defendants to appear before this court on 29.04.2023.

Sri. HR advocate for Dhr undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of Jdr No.1, 3 and 4 by 29.04.2023.

ASCJ, SRIRANGAPATNA

OS 24/2020

Sri. DRN advocate for plaintiff filed memo stating that during the pendency of the suit the defendant No.1 was expired. The Lrs of defendant No.1 are already brought on record as defendant No.2 to 31. Call on for amendment and amended plaint by 31.03.2023

ASCJ, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 11.04.2023

ASCJ & MACT, SRIRANGAPATNA

OS 72/2017

Sri. IKR advocate for defendant filed IA No.13 u/s 151 of CPC seeking reopen the case from the stage of defendant evidence and also filed IA No.14 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of cross examination.

Perused IA and affidavit and same is allowed with cost of Rs.250/- each. Case is reopened and permitted to defendant No.3 for cross examination of PW1 by 06.04.2023

ASCJ, SRIRANGAPATNA

MVC 389/2021

Sri. DRN advocate for petitioner filed IA No.1 u/o 22 rule 2 of CPC and IA No.2 u/o 22 rule 9 of CPC to set aside the abatement order and also filed IA No.3 u/s 5 of Limitation Act and along with list with documents and vakalath. Call on for objections by 15.04.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. NKS advocate for defendant No.1 and 5 filed IA No.4 u/s 151 of CPC seeking permission to file written statement of defendant No.1 and 5 and also filed written statement of defendant No.1 and 5.

On the other hand Sri. JS advocate for plaintiff submits that IA No.4 filed by the defendant No.1 and 5 may be allowed.

Perused IA and affidavit and same is allowed and written statement of defendant No.1 and 5 is taken on record. Call on for compliance of u/s 89 of CPC 10.04.2023

ASCJ, SRIRANGAPATNA

OS 208/2022

Sri. NDVG advocate for defendant No.1 to 5 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of defendant No.1 to 5 and also filed written statement of defendant No.1 to 5.

On the other hand Sri. KSN advocate for plaintiff submits that IA No.3 filed by the defendant No.1 to 5 may be allowed.

Perused IA and affidavit and same is allowed and written statement of defendant No.1 to 5 is taken on record. Call on for compliance of u/s 89 of CPC 10.04.2023

ASCJ, SRIRANGAPATNA

EX 23/2023

Reissue cause notice to Jdr through RPAD. R/by 06.04.2023

ASCJ, SRIRANGAPATNA

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EX 63/2017: 17.03.2023

Again at 5.45 p.m, cae called out. The Dhr and their counsel called out. Absent. Even service of court notice on counsel for Dhr he did not appeared and steps not taken. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, execution petition is dismissed for default.

ASCJ, SRIRANGAPATNA

OS 20/2020

Sri. MD advocate for plaintiff filed IA No.8 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.5. 6 and 10. Heard arguments on IA No.3 and perused record. It appears that though this court has issued summons to defendant No.5, 6 and 10 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendant. Hence, IA No.8 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.5, 6 and 10 by way of paper publication.

Sri. MD advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.5, 6 and 10 reside or carries business for their livelihood on or before 24.03.2023 and direct defendants to appear before this court on 26.04.2023.

Sri. MD advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.5, 6 and 10 by 26.04.2023.

ASCJ, SRIRANGAPATNA

MVC 1509/2019

Sri. MGP advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. DGN advocate for respondent No.4 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 15.04.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 2287/2019

Sri. SEL advocate for respondent No.2 submits no objection to allow the IA No.2 to 4 filed by the petitioner. Perused IA and affidavit and same are allowed in the interest of justice and equity. Permit the Lrs are brought on record. Call on for amendment and amended petition by 01.04.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 379/2020

Sri. BCB advocate for respondent No.2 filed IA No.4 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 31.03.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1380/2020

Sri. MGP advocate for petitioner filed IA No.2 u/o 32 rule 12(2) of CPC seeking pass an order for discharge of guardian of the petitioner No.4 and along with vakalath and list with documents. Perused IA and affidavit, the 4th petitioner date of birth is shown in the Adhar Card as 13.04.2004, it clearly goes to show that now he is attained majority. Hence, it is necessary to discharge guardian. Therefore I proceed to pass following,

ORDER

IA No.2 filed by the petitioner is hereby allowed.

Permitted to carried out amendment.

Amendment carried out and amended petition filed. Call on for cross of PW1 by 01.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 745/2021

Sri. PAS advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. NMM advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 31.03.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1474/2018 : 25.03.2023

Sri. BKG advocate of petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SEL advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. BKG advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for

examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. BKG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 27.04.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 226/2020

Sri. ANK advocate for petitioner filed IA No.8 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to RMO, Brundavana Hospital and RMO. Suyog Hospital, Mysore, to produce documents pertaining to the injured petitioner by name Doddathammanayaka.

Sri. NP advocate for respondent No.2 submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to RMO, Brundavana Hospital and RMO. Suyog Hospital, Mysore, to produce documents pertaining to the injured petitioner by name Doddathammanayaka

Call on for further petitioner evidence by 11.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 986/2018

Sri. DGN advocate for respondent No.2 filed IA No.3 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to Dr.Mamatha N., CMO., K.R.Hospital, Mysore, to produce documents pertaining to the injured petitioner by name Rajegowda S/o Banappa.

Sri. GSN advocate for petitioner submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to Dr.Mamatha N., CMO., K.R.Hospital, Mysore, to produce documents pertaining to the injured petitioner by name Rajegowda S/o Banappa.

Call on for further respondent evidence by 04.04.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. CKS advocate for petitioner filed IA No.3 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.3 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.3 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. CKS advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 27.03.2023 and direct respondent No.1 to appear before this Court on 29.04.2023

Sri. CKS advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 29.04.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 207/2018

Sri. SJD advocate for respondent No.2 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 30.03.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1331/2017

Sri. PAS advocate for respondent No.2 field IA No.4 u/s 170 of IMV act seeking permission to take all the defenses available to the respondent No.1. Perused and same is allowed. Respondent No.2 is permitted to taken defense available to the respondent No.1. And also filed memo along with copy of insurance policy on the consent of counsel for petitioner. Policy is got marked as Ex.R.1. Heard arguments. Posted for judgment by 30.03.2023

ASCJ & MACT, SRIRANGAPATNA

RA 12/2020

Sri. GD advocate for appellant filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the appellant is permitted to take sub service against R-1 by way of paper publication.

Sri. GD advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 20.03.2023 and direct respondent No.1 to appear before this Court on 21.04.2023.

Sri. GD advocate for appellant undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 21.04.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1097/2020

Sri. PAS advocate for respondent No.2 field IA No.5 u/s 170 of IMV act seeking permission to take all the defenses available to the respondent No.1. Perused and same is allowed. Respondent No.2 is permitted to taken defense available to the respondent No.1. And also filed memo along with copy of insurance policy on the consent of counsel for petitioner. Policy is got marked as Ex.R.1. Heard arguments. Posted for judgment by 30.03.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 1352/2018

Sri. CRD advocate filed IA No.VIi u/s 151 of CPC seeking permission file objection of respondent no.1 and along with written statement.

On the other hand Sri. DPK advocate submits IA may be allowed with cost.

Perused IA and same is allowed with cost of Rs.1,000/-. Written statement taken as on record. Call on for additional issues if any by 20.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 32/2015

Sri. HC advocate for defendant No.1 filed IA No.20 u/s 151 of CPC seeking permission to file additional written statement and also filed written statement of defendant No.1.

And also filed IA No.21 u/o 8 rule 1 (3) of CPC seeking permission to file list with documents by condoning the delay and along with list with documents.

On the other hand Sri. RH advocate for plaintiff prays time to file objections. There is no grounds. Hence, objections taken as not filed. Perused IA's and affidavits and same are allowed with cost of Rs.100/- each. Additional written statement and list with documents taken as on record. PW1 present. Fully cross examined. Call on for further plaintiff evidence by 29.03.2023

ASCJ, SRIRANGAPATNA

OS 70/2021

Sri. SPS advocate filed power for proposed defendant, defendant No.1 and also filed IA No.2 u/o 3 rule 2 of CPC seeking permission to produce GPA of proposed defendant and along with memo with GPA. Perused IA No.2 and same is allowed. Call on for objection to IA No.1 u/o 1 rule 10(3) of CPC by 10.04.2023

ASCJ, SRIRANGAPATNA

OS 192/2022

Defendant No.2 called out. Absent. Placed exparte.

Sri. SSP advocate filed IA No.3 u/o 1 rule 10(2) of CPC seeking pass an order for to implead the IA schedule person as necessary party with PF and copies.

Issue notice to proposed defendant No.5 on IA No.3 through RPAD and reissue SS to defendant No.1 and 3 and await process of defendant No.4 by 19.04.2023

ASCJ, SRIRANGAPATNA

MVC 1149/2019

Sri. MGP advocate for petitioner filed IA No.5 u/o 16 rule 1 and 2 r/w Sec. 151 of CPC seeking permission to file list of witness and along with witness list.

Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue SS to Dr.K.Ravindranath, Orthopedic Surgeon, Brundavana Hospital, Mysore. Call on for further petitioner evidence by 11.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 856/2022

Sri. NP advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.1 and 2 by 01.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1675/2022

Sri. PAS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.2 by 31.03.2023

ASCJ & MACT, SRIRANGAPATNA

Additional issues framed. Call on for petitioner evidence by 11.04.2023

ASCJ, SRIRANGAPATNA

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OS 52/2021: 15.03.2023

Both the parties and their counsel are present. Sri. CSV and Sri. SKTM advocates filed I.A. U/o. 23 rule 3 CPC.

After due conciliation by the both the conciliators, both the parties have agreed to compromise the case and accordingly filed an application under Order - 23 Rule - 3 of C.P.C, stating that they have compromised the case in terms of compromise petition. The contents of application are read over and explained to the both parties in the language known to them. They have admitted its contents as true and correct. On inquiry they also submitted that they have no force, threat or undue influence to get the case compromised.

Therefore, there is no impediment to accept the proposed compromise of the parties. Accordingly, following order:

ORDER

The application filed by the parties U/o. 23 Rule-3 of CPC is hereby accepted and allowed.

Draw final decree accordingly.

ASCJ, SRIRANGAPATNA

EX 54/2023

Issue cause notice to Jdr No.1 and 2 if PF is paid. R/by 15.04.2023

ASCJ, SRIRANGAPATNA

MVC 62/2021

Issues framed. Call on for respondent evidence by 24.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 6/2011

Sri. KK advocate for defendant No.13 filed IA No.42 u/o 16 rule 1 and 2 of CPC seeking permission file list of witness by condoning delay and along with list of witness.

Perused IA and same is allowed. Issue summons to witness No.1 to 3. Call on for further defendant evidence by 28.03.2023

ASCJ, SRIRANGAPATNA

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MVC 1772/2018

Sri. KVY advocate for petitioner filed IA No.5 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and along with witness list. Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue SS to Dr.Kumar P.S., Orthopedic Surgeon, St. Joseph Hospital, Mysore. Call on for further petitioner evidence by 04.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 578/2022 & 579/2022

Issues framed. Call on for petitioner evidence by 04.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1558/2022

Sri. SJD advocate filed written statement of respondent No.2. Hence, written statement filed by respondent No.2 taken on record.

Issues framed. Call on for written statement of respondent No.1 by 06.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1359/2022

Sri. KPK advocate for respondent No.3 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.3 and along with vakalath and written statement of respondent No.3.

Perused IA and same is allowed. Exparte order against the respondent No.3 is hereby set aside. Written statement of respondent No.3 taken on record. Call on for issues by 01.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 581/2020

Smt. MVG advocate for respondent No.2 filed IA No.2 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.2 by 01.04.2023

ASCJ & MACT, SRIRANGAPATNA

OS 88/2022

Sri. CRS advocate for defendant No.5 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of defendant No.5.

On the other hand Sri. BSS advocate for plaintiff submits that IA No.2 filed by the defendant No.5 may be allowed.

Perused IA and affidavit and same is allowed and written statement of defendant No.5 is taken on record. Call on for compliance of u/s 89 of CPC 29.03.2023

ASCJ, SRIRANGAPATNA

Sri. ANK advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. ANK advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 25.03.2023 and direct respondent No.1 to appear before this Court on 26.04.2023

Sri. ANK advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 26.04.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1379/2020

Sri. MSV advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 30.03.2023

ASCJ & ASCJ, SRIRANGAPATNA

EX. 55/2010

Sri. MPG advocate for Dhr filed IA No.2 u/s 224 of K.C.R.P. for appointment of special process server to execute decree.

Heard Sri. MPG advocate for decree holder on IA No.2. It appears that the decree holder has sought for issue of Attachment of Warrant for Movables of Jdr for execution. It appears that this Court has issued notices to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the Dhr to take steps by attachment movables of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 2 is allowed. Special ameen charges is fixed for Rs. 500/-.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 01.04.2023

ASCJ, SRIRANGAPATNA

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OS 88/2016: 13.03.2023

Again at 5.40 p.m. case is called out. No representation. Perused order sheet the plaintiff is continuously absent even after service of notice to the counsel for plaintiff. Which shows that the plaintiff is not interested to proceed with the case against the defendants. Hence, the suit of the plaintiff is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MVC NO. 1008/2019: 13.03.2023

Case is advanced as per application filed by advocate for petitioner. Hence, case is advanced to this date for settlement before the court.

Petitioner, Sri. MKS Advocate for petitioner and Sri. SCK Advocate for R-2 are present and identified their parties. They submit that the matter is likely to be settled before the Court and prayed to held conciliation. Perused record and satisfied. Hence, the case is posted for conciliation.

Conciliation held. On due negotiation and on the advise of their counsels both parties have agreed to settle the matter amicably. In this regard, they filed a joint memo and pray to pass suitable order. Perused joint memo. The contents of joint memo read and explained to both the parties in the language known to them. They admitted the same as true and correct and pray to pass order accordingly. As per joint memo, the respondent No.2 has agreed to pay a sum of has agreed to pay a sum of Rs. 14,00,000/- (Rupees Fourteen Lakhs only) as full and final amount to the petitioners towards claim amount. The petitioners have also agreed to receive the said amount as full and final settlement. It appears from record that the petitioners have filed this petition for compensation for injuries sustained by deceased Mohanan K. in a road accident by a vehicle which has been insured

with Respondent No.2. Having regard to the facts and circumstances of the case, I am of the opinion that the terms of compromise is reasonable, lawful and acceptable in the interest of both parties. Hence, the joint memo is allowed and parties are permitted to settle the matter as per their joint memo.

The respondent No.2 shall deposit the amount as mentioned in the joint memo within three months to this Tribunal.

Sri. MKS Advocate for petitioners submits that the petitioners already spent huge amount and therefore, he prays to release entire amount. Therefore, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to to release the entire amount.

Out of the total amount of compensation petitioner No.1 and 3 are equally entitled to get 50% each share of amount, wherein petitioner No.1 is wife and petitioner No.3 is the daughter of the deceased.

The entire the share of petitioner No.1 and 3 is ordered to be released in their favour.

The petitioner No.1 and 3 are hereby directed furnish name of the bank, account number and IFSC Code of bank in the office for payment and after furnishing such details it is directed to the office to release entire amount to the

petitioner No.1 and 3 of their share by way of K2 system.

ASCJ & MACT, SRIRANGAPATNA

MVC 1298/2022

Sri. RL advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 27.03.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1335/2022 & 1336/2022

Sri. SJD advocate filed written statement of respondent No.2 along with vakalath.

Written statement of respondent No.2 taken on record. Call on for Issues by 25.03.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. MSK advocate for plaintiff filed IA No.3 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.2. Heard arguments on IA No.3 and perused record. It appears that though this court has issued summons to defendant No.2 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendant. Hence, IA No.3 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.2 by way of paper publication.

Sri. MSK advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.2 reside or carries business for his livelihood on or before 21.03.2023 and direct defendants to appear before this court on 24.04.2023.

Sri. MSK advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.2 by 24.04.2023.

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 06.04.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. IKR advocate for respondent No.2 prays time for respondent evidence, there is no grounds. Hence, prayer is rejected and respondent evidence taken as closed. Call on for arguments by 23.03.2023

ASCJ & MACT,

SRIRANGAPATNA

OS 124/2022

Sri. GR advocate filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte orders passed against the defendants along with vakalath.

On the other hand Sri. TNS advocate for plaintiff submits that IA No.1 filed by the defendant may be allowed with cost.

Perused IA and affidvit and same is allowed with cost of Rs.200/- . Exparte orders against the defendant is hereby set aside. Call on for written statement of defendant by 27.03.2023

ASCJ, SRIRANGAPATNA

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MVC 808/2018: 10.03.2023

Sri. KVY advocate for petitioner filed memo seeking permission to withdraw the petition and to file fresh petition on same of cause of action. Perused memo and same is allowed in the interest of justice and equity.

Petition is dismissed as not pressed.

The petitioner is at liberty to file fresh petition on same cause of action.

ASCJ & MACT, SRIRANGAPATNA

MVC 312/2020

Sri. NMM advocate for petitioner filed IA No.2 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to Dr.Manjunath Bhargav, Kaveri Hospital, Mysore, to produce documents pertaining to the injured petitioner by name D.S.Mahadevaswamy.

Sri. SJD advocate for respondent No.2 submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to Dr.Manjunath Bhargav, Kaveri Hospital, Mysore, to produce documents pertaining to the injured petitioner by name D.S.Mahadevaswamy.

Call on for further petitioner evidence by 06.04.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 537/2020

Sri. MGP advocate for petitioner filed IA No.3 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and along with witness list. Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue SS to Dr.Kumar P.S., Orthopedic Surgeon, St. Joseph Hospital, Mysore. Call on for further petitioner evidence by 25.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1174/2022

Sri. DGN advocate for respondent No.2 filed IA No.1 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for additional issues by 25.03.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 1303/2022

Sri. SS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.2 by 31.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1157/2022

Sri. KPK advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.2 by 25.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 985/2016

Case called out. Respondent No.2 is present. Smt. TKC filed retirement memo. Perused memo and same is accepted. The respondent No.2 is hereby directed to appear before the court through his counsel on next date of hearing without fail and also directed to produce the status of Writ Petition which is pending before the Hon'ble High Court of Karnataka. Call on 18.03.2023

ASCJ & MACT, SRIRANGAPATNA

EX 189/2022: 09.03.2023

Sri. BK advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

Heard Sri. SMU advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 r/w sec. 151 of CPC. A perusal of record it appears that the plaintiffs has filed the present suit against the defendants for the relief of declaration and partition of suit schedule properties contending that, suit schedule properties is joint family properties of herself and defendants and she is entitled for share in the suit schedule properties.

Now the defendant No.4 and 7 are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the property. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of their application the plaintiff has sworn affidavit and produced Family G.Tree, RTC, MR, Demand Register copy of suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiff claims that she is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as they claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing

not to alienate s may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No.4 and 7 as prayed in I.A.No.I and direct the defendant No.4 and 7 not to alienate the suit schedule properties if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 01.04.2023.

ASCJ, SRIRANGAPATNA

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MVC 914/2022

Sri. DCG advocate for respondent No.1 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.1 and along with written statement.

On the other hand Sri. NMM advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.1 taken on record. Call on for additional issues by 16.03.2023

ASCJ & ASCJ, SRIRANGAPATNA

MVC 287/2021

Sri. MGP advocate for petitioner filed IA No.5 u/s 151 of CPC seeking reopen the case from the stage of further petitioner evidence and also filed IA No.6 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of further chief examination.

Perused IA's and same are allowed. PW1 present. Fully cross examined. Further petitioner evidence closed. Call on for respondent evidence by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 99/2018: 04.03.2023

Sri. DRN advocate for petitioner filed IA No. 5 U/O 22 rule 3, CPC, IA No.6 U/o 22 rule 9 of CPC and IA. NO. 7 U/Sec. 5 of Limitation Act along with affidavits to bring LRs of petitioner on record as petitioner died on 30.09.2021. they also filed vakalath for Lrs of petitioner.

On the other hand Sri S.S. advocate respondent No. 2 file objections stating that the application filed by the petitioners are not maintainable either in law are facts. The decease petitioner was riding his Motor Cycle in a rash and negligent manner and dashed against the opposite vehicle as he himself was the tort-Feafor and he himself was an accused in criminal case. Therefore, to bring the Lrs of petitioners in this case does not arise at all. Hence, they sought for dismissal of the applications filed by the petitioners.

On perusal of documents it is appears that the petitioner died on 30.09.2021 living behind petitioner as legal heir. A perusal of contents made in the affidavits clearly goes to show that the petitioner Ganesh died living behind his Lrs of petitioner is also filed death certificate of Ganesha who died on 30.09.2021.The contention rised by the counsel for the respondent No. 2 is to be considered on merits only. Hence, argument advanced by the counsel respondent No. 2 is not considered at the stage. Therefore, the present applicants are legal heir of petitioner. There are reasonable grounds to believe that there is a reasonable grounds

to condone delay in bringing Lrs. Hence, IA's are allowed. The applicants are permitted to come on record as legal heirs of petitioner.

For amendment and amended petition by 16.03.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 158/2021 : 03.03.2023

Case advanced.

Sri. GPJ advocate for petitioner filed IA No. 5 U/o 6 rule 17 of CPC. Seeking permission to amend the petition as mentioned in the IA schedule.

On the hand Sri. BMS advocate for respondent No. 2 submits no objection to IA No. 5. Perused IA and same is allowed in the interest of justice and equity.

Sri. BMS advocate respondent No. 2 filed Memo along with copy of insurance policy, on the consent of counsel for petitioner the policy is got marked as Ex.R1.

Amendment carried and amended petition filed. Heard arguments call on judgment by 09.03.2023.

ASCJ, SRIRANGAPATNA

EX 141/2022: 03.03.2023

Sri. DPK advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

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MVC 1318/2019

Sri. NMM. Advocate for petitioner field written arguments.

Sri. MNP advocate for respondent no. 2 filed IA no. 4 u/s 151 of CPC for reopen the case from the stage of arguments. And also filed IA no.5 u/o 16 R. of CPC. Issue s/s to witness with PF.

Perused IA and same are allowed. Issue s/s to witness as prayed for call on for respondent evidence by 24.03.2023

ASCJ, SRIRANGAPATNA

MVC 1098/2020

Sri. NMM. Advocate for petitioner field IA No.2. U/o 16 Rule 6 of CPC seeking for issue summons to witness.

Perused IA and same are allowed. Issue s/s to RMO/CMO, JSS Hospital, Mysuru to produced documents as prayed in the IA. Call for further petitioner evidence by 28.03.2023

ASCJ, SRIRANGAPATNA

MVC 1318/2019

Sri. NMM. Advocate for petitioner field written arguments.

Sri. MNP advocate for respondent no. 2 filed IA no. 4 u/s 151 of CPC for reopen the case from the stage of arguments. And also filed IA no.5 u/o 16 R. of CPC. Issue s/s to witness with PF.

Perused IA and same are allowed. Issue s/s to witness as prayed for call on for respondent evidence by 24.03.2023

ASCJ, SRIRANGAPATNA

MVC 661/2020

Sri. DJN. Advocate for respondent No.2 field IA No. 2 U/S 151 of CPC. Seeking permission to file written statement of respondent No,.2 and along with W.S of respondent No.2 perused IA and same is allowed. Issue by 23.03.2023

ASCJ, SRIRANGAPATNA

For Settlement by 17.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 492/2016

Sri. MRV. Advocate for respondent No.1 field IA No. 9 U/S 151 of CPC reopen the case from the stage of argument and also orally seeking issue process witnesses.

Perused IA and same is allowed issued hand summons to witnesses through hands of respondent No.1 and also directed him to keep presently witnesses. Returnable by 21.03.2023.

ASCJ, SRIRANGAPATNA

O.S.6/2011

Sri.R.K. Adv. For defendant No.15 filed I.A.No.40 U/s 151 of CPC seeking re-open the case for the stage of cross examination of DW.1 and also filed I.A.No.41 u/o 18 R.17 of CPC for recall of PW.1 for the purpose of cross examination. Perused I.A. and memorandum of facts and same are allowed.

Case is re-opened and PW..1 is recalled. Fully cross examined by the counsel for defendant No.15 and also cross examined the DW.1. Call on for cross examination of DW.1 by other defendants last chance by 06.03.2023.

ASCJ, SRIRANGAPATNA

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EX 77/2021: 02.03.2023

Sri. RR advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

MVC 1169/2018

Sri. MGP advocate filed IA No.6 u/s 151 of CPC seeking reopen the case from the stage of further petitioner evidence and also filed IA No.7 u/o 18 rule 17 of CPC for recall of PW1 and 2 to lead the further evidence. Perused IA's and same are allowed. Case is reopened and PW1 and 2 are recalled. Ex.P.52 to 54 are got marked through PW1 and Ex.P.55 is got marked through PW2. Fully cross examined. Call on for await commissioner report by 18.03.2023

ASCJ & MACT, SRIRANGAPATNA

RA 24/2017

Sri. HR advocate for appellant field IA No.4 u/o 26 rule 9 r/w sec. 151 of CPC seeking pass an order for appoint the Taluk Surveyor and also filed IA No.5 u/o 16 rule 6 r/w sec. 151 of CPC seeking pass an order for issue summons to Taluk Surveyor, Srirangapatna to produce the sketch copy which is produced by the appellant. Call on for objections to IA No.4 and 5 by 04.03.2023

ASCJ, SRIRANGAPATNA

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Ex.118/2012

Sri.P.G. Advocate for DHR filed memo reporting the death of DHR No.1 on 28.09.2022 and also further stated that, the DHR No.2 to 5 are the Lrs of DHR No.1. Perused the memo and same is accepted.

The Counsel for the DHR filed memo of calculation and I.A.No.7 U/o 21 R.43 of CPC seeking pass an order for attachment of KSRTC bus for remaining balance amount of Rs.3,71,886/-.

JDR and their counsel called out absent and objection taken as not filed.

Issue attachment of movable of JDR as prayed in the I.A.No.7. R/by 18.03.2023.

Addl. Senior Civil Judge
Srirangapatna.

FDP 16/2022: 28.02.2023

Both the parties and their counsel are present. Sri. SRS and Sri. DP advocates filed I.A. U/o. 23 rule 3 CPC.

After due conciliation by the both the conciliators, both the parties have agreed to compromise the case and accordingly filed an application under Order - 23 Rule - 3 of C.P.C, stating that they have compromised the case in terms of compromise petition. The contents of application are read over and explained to the both parties in the language known to them. They have admitted its contents as true and correct. On inquiry they also submitted that they have no force, threat or undue influence to get the case compromised.

Therefore, there is no impediment to accept the proposed compromise of the

parties. Accordingly, following order:

::ORDER::

The application filed by the parties U/o. 23 Rule-3 of CPC is hereby accepted and allowed.

Draw Final decree accordingly.

ASCJ, SRIRANGAPATNA

EX 43/2017: 28.02.2023

Sri. MGP advocate for Dhr prays time for taken steps. Perused order sheet and entire records, there is stay in MFA No.1120/2017. Hence, prayer is rejected and execution petition is disposed off for time being.

ASCJ, SRIRANGAPATNA

REV PET. 1/2017: 28.02.2023

Again at 5.45 p.m. case is called out. Petitioner and their counsels called out. Absent. Perused order sheet, the petitioner is continuously absent and not taken steps against the respondents. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MVC 424/2019

Sri. KPK advocate for respondent No.2 filed IA No.4 U/s 151 of CPC reopen the case from the stage of arguments. And also filed IA No.5 U/s 151 of CPC seeking permission to lead the evidence of respondent No.2

On the other hand Sri. DRN advocate for petitioner submits no objection.

Perused IA's and affidavits and same are allowed in the interest of justice and equity. Case is reopened and lead evidence of respondent. Call on for evidence of respondent No.2 by 17.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2204/2019

Sri. DCG advocate for respondent No.1 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.1 and along with written statement.

On the other hand Sri. NMM advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.1 taken on record. Call on for additional issues by 16.03.2023

ASCJ, SRIRANGAPATNA

EX 143/2015: 28.02.2023

Case called out. Dhr is absent. Sri. IKR advocate for Dhr is present and Prays time to taken steps against the Jdr No.2 and 3. Perused order sheet the Dhr has filed this execution petition on 29.08.2015 around 7 to 8 years back. Hence, there is no grounds and prayer is rejected and petition is dismissed with liberty to file fresh execution petition against the Jdr No.2 and 3.

ASCJ, SRIRANGAPATNA

MVC 62/2021

Sri. SB advocate for respondent No.3 filed IA No.5 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. RP advocate for petitioner submits no objection.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 15.03.2023

ASCJ, SRIRANGAPATNA

MVC 259/2020

Sri. NMM advocate for petitioner filed IA No.2 u/o 22 rule 3 of CPC to bring the Lrs of petitioner, IA No.3 u/o 22 rule 9 of CPC for abatement set aside and also filed IA No.9 Sec.5 of Limitation Act and Death Certificate of petitioner and vakalath of Lrs of petitioner. Call on for objection if any by 09.03.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 2277/2019: 27.02.2023

Again case called out at 2.46 p.m. PW1 is absent. Counsel for petitioner is present and submits the petitioner is not come forward. Hence, prayer may be noticed and necessary orders may be passed.

Perused order sheet, the counsel for petitioner has filed examination in chief of PW1 by way of affidavit on 03.10.2022. From the date of filing of affidavit till today the petitioner is not come forward. It shows that the petitioner is not interested to proceed with case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC 2276/2019: 27.02.2023

Again case called out at 2.45 p.m. PW1 is absent. Counsel for petitioner is present and submits the petitioner is not come forward. Hence, prayer may be noticed and necessary orders may be passed.

Perused order sheet, the counsel for petitioner has filed examination in chief of PW1 by way of affidavit on 02.08.2022. From the date of filing of affidavit till today the petitioner is not come forward. It shows that the petitioner is not interested to proceed with case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

OS 20/2016

Sri. DP advocate filed IA No.7 u/o 1 rule 10(2) of CPC seeking pass an order for to implead the IA schedule person as necessary party to the proceedings with vakalath.

On the other hand Sri. SRS advocate for plaintiff submits no objection to allow the IA.

Perused IA and same is allowed. Amendment carried. Call on for amended plaint by 28.02.2023

ASCJ, SRIRANGAPATNA

MVC 330/2018

Sri. NSM advocate for respondent No.2 filed IA No.3 u/o 151 of CPC seeking permission to reopen the case from the stage of judgment and also filed Ia No.4 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of cross examination. Perused IA's and same are allowed in the interest of justice and equity. Case is reopened and PW1 is recalled. Call on for cross of PW1 by last chance by 01.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 52/2014

Smt. YJ advocate filed IA No.4 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No.2 and along with vakalath of defendant No.1 and 2. Perused IA and same is allowed. Exparte order against the defendant No.2 is hereby set aside. Call on for written statement defendant No.1 and 2 last chance by 09.03.2023

ASCJ, SRIRANGAPATNA

MVC 1521/2020

Sri. MGP advocate for petitioner filed IA No.3 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and along with witness list. Perused IA and affidavit and same is allowed and witness list taken as on record.

Issue SS to Dr.Santhosh M.S., CEG Hospital, Mysore. Call on for further petitioner evidence by 17.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 22/2023

Sri. CRS advocate filed power for defendant No.1 and 2.

Sri. LKS advocate filed power for defendant No.3 to 5.

Sri. BNG advocate for plaintiff filed IA No.2 u/s 151 of CPC seeking pass an order for extension of TI till further order. Perused IA and same is allowed. TI is extended till further orders. Call on for written statement of defendants by 20.03.2023

ASCJ, SRIRANGAPATNA

OS 136/2022

Sri. HR advocate filed power for defendant No.1 along with no objection and objection to IA No.1 with list with 3 documents.

Sri. CMJ advocate for defendant No.2 filed IA No.4 u/s 151 of CPC seeking permission to file written statement of defendant No.2 and 4 with written statement, verification affidavit and adoption memo. Perused IA and same is allowed with cost of Rs.200/-. Call on to hear on IA No.1 by 28.02.2023

ASCJ, SRIRANGAPATNA

Sri. MDL advocate for plaintiff filed IA No.1 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.2 to 11, 13 to 20. Heard arguments on IA No.1 and perused record. It appears that though this court has issued summons to defendant No.2 to 11, 13 to 20 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendant. Hence, IA No.1 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.2 to 11, 13 to 20 by way of paper publication.

Sri. MDL advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.2 to 11, 13 to 20 reside or carries business for his livelihood on or before 13.03.2023 and direct defendants to appear before this court on 15.04.2023.

Sri. MDL advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper

publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.2 to 11, 13 to 20 by 15.04.2023.

ASCJ, SRIRANGAPATNA

MVC 813/2022

Sri. SJD advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file written statement of respondent No.2 and along with written statement.

On the other hand Sri. DCG advocate for petitioner submits IA No.2 filed by the defendants may be allowed.

Perused IA and affidavit and same is allowed. Written statement of respondent No.2 taken on record. Call on for issues by 07.03.2023

ASCJ, SRIRANGAPATNA

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Respondent evidence by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. LS advocate of petitioner filed IA No.6 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NVR advocate for respon6dent submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 6 is allowed. Consequently, Commissioner is appointed.

Sri. LS advocate for petitioner suggests name of Sri. CRD advocate as Commissioner for examination of petitioner.

Sri. CRD advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CRD advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. LS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 30.03.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1515/2020

Sri. MGP advocate for petitioner filed IA No.1 u/o 23 rule 3 of CPC seeking permission to bring the Lrs of petitioner with vakalath and list with documents. Call on for objections by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 688/2022

Sri. MVG advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath.

Perused IA and same is allowed. Exparte order against the respondent No.2 is hereby set aside. Call on for written statement of respondent No.2 by 28.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 80/2015

Sri. MRS advocate for defendant No.17 filed IA No.16 u/s 151 of CPC seeking reopen the case from the stage of further evidence of plaintiff and also filed IA No.17 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of cross examination.

On the other hand Sri. DL advocate for plaintiff prays time to file objections to IA No.16 and 17. There is no grounds. Hence, objection is taken as not filed. Perused IA and affidavits and same are allowed on cost of Rs.250/- each. Case is reopened and PW1 is recalled.

PW1 present. Fully cross examined by the counsel for defendant No.17. Further plaintiff evidence closed. Call on for defendant evidence by 01.03.2023

ASCJ, SRIRANGAPATNA

RA 8/2020

Case called out. No representation. Kept by

Later Sri. HRKG advocate is present. He submits that I have given no objection to the appellant long back. Perused the order the appellant are continuously absent. So many times issue notice to the respondents, but the appellants have not complied the orders.

Issue court notice to appellant. R/by 10.03.2023

ASCJ, SRIRANGAPATNA

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OS 102/2022: 23.02.2023

Plaintiff present. Sri. MCD advocate for plaintiff filed memo stating that the suit is settled between the parties out of court. Hence, suit may be dismissed as not pressed.

Counsel for defendant No.1 present and submits no objection. Perused memo and same is accepted. Suit is dismissed as not pressed as prayed for.

ASCJ, SRIRANGAPATNA

RA 20/2020

Sri. KSN advocate for appellant filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to respondent on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against respondent. Hence IA No.1 is allowed. Consequently, the appellant is permitted to take sub service against respondent by way of paper publication.

Sri. KSN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where respondent reside or carries business for his livelihood on or before 09.03.2023 and direct respondent to appear before this Court on 10.04.2023.

Sri. KSN advocate for appellants undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent by 10.04.2023.

ASCJ, SRIRANGAPATNA

OS 2/2023

Sri. CSV advocate filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant and along with vakalath.

Sri. HR advocate for plaintiff submits no objections.

Perused IA and affidavit and same is allowed. Call on for written statement of defendant by 23.03.2023

ASCJ, SRIRANGAPATNA

FDP 1/2018

Sri. HR advocate for petitioner filed IA No.1 u/o 26 rule 13 r/w Sec. 151 of CPC seeking for appointment of court commissioner.

On the other hand Sri. JS and BRT advocate for respondents submits no objections to allow the IA No.1.

Perused IA and affidavit and same is allowed.

The ADLR is appointed as court commissioner. Commissioner is fixed for Rs.2,000/-.

Issue commissioner warrant if PF is paid and deposited commissioner fee. Call on for await commissioner report by 19.04.2023

ASCJ, SRIRANGAPATNA

MVC 687/2022

Later Sri. MVG advocate for respondent No.2 filed IA No.2 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 and along with vakalath. Perused IA and same is allowed. Call on for written statement of respondent No.2 by 20.03.2023

ASCJ & MACT, SRIRANGAPATNA

EX 7/2020: 23.02.2023

Sri. RL advocate for Dhr filed memo petition may be dismissed since the matter is stayed by the Hon'ble High Court of Karnataka in MFA No.501/2021. Hence, the execution petition is disposed off for time being.

ASCJ, SRIRANGAPATNA

OS 18/2021

PW1 present. Defendant and their counsels called out. Absent. No representation. Hence, cross examination taken as nil. Call on for further petitioner evidence by 10.03.2023

ASCJ, SRIRANGAPATNA

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OS 48/2020: 22.02.2023

Perused order sheet and entire record available on record, I came to know that, the plaintiff has wrongly filed suit against the defendant for permanent Injunction.

Later counsel for plaintiff Sri. CSV advocate is present and filed not press memo. Perused memo and same is allowed.

In view of the memo suit is dismissed as not pressed.

ASCJ, SRIRANGAPATNA

EX 189/2022

Sri. SEL advocate for Jdr filed vakalath and application u/s 151 of CPC for recall of attachment warrant of movables with memo. Perused application and same is allowed. Attachment warrant is recalled. Call on hearing date for memo of calculation by 08.03.2023

ASCJ, SRIRANGAPATNA

MVC 1249/2019

Sri. ANK advocate for petitioner filed IA No.4 u/s 32 rule 9 of CPC to discharge the guardian and IA No.5 u/s 151 of CPC seeking permission to petitioner to conduct his case on his own name with vakalath.

Perused IA and affidavits and same are allowed. Guardian is discharge and permitted him to conduct his case on his own name.

Counsel for petitioner is permitted to carried out necessary amendment in the petition. Amendment carried and amended petition filed. Call on for petitioner evidence by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. GSN advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. GSN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 06.03.2023 and direct respondent No.1 to appear before this Court on 10.04.2023

Sri. GSN advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 10.04.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. GSN advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. GSN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 06.03.2023 and direct respondent No.1 to appear before this Court on 10.04.2023

Sri. GSN advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 10.04.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 652/2021

Sri. SRA advocate filed IA No.2 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.1 and along with vakalath and written statement of respondent No.1.

On the other hand Sri. MGP advocate for petitioner submits that IA No.2 filed by the respondent No.1 may be allowed. Perused IA and affidavit and same is allowed and written statement of respondent No.1 taken as on record. Call on for issues by 02.03.2023

ASCJ & MACT, SRIRANGAPATNA

Smt. LV advocate for defendant No.1 to 3 and 7 to 10 filed IA No.35 u/s 151of CPC seeking reopen the case from the stage of defendant evidence and also filed IA No. 36 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of cross examination.

On the other hand Sri. PG advocate for plaintiff submits that no objection to IA No.35 and 36.

Perused IA and same are allowed in the interest of justice and equity. Case is reopened and PW1 is recalled.

PW1 present. Fully cross examined.

Sri. KK advocate for defendant No.13 filed IA No.37 u/o 8 rule 1(a) of CPC seeking permission to produce documents condoning delay and along with list with documents. Perused IA and same is allowed.

And also filed examination in chief of DW1 by way of affidavit. Ex.D.1 and 2 are got marked. Call on for cross examination of DW1 by 23.02.2023

ASCJ, SRIRANGAPATNA

OS 208/2022

Sri. NDVG advocate for defendants filed IA No.2 u/s 148 of CPC for extension of time to file written statement. Perused IA and same is allowed.

Call on written statement of defendants by 15.03.2023

ASCJ, SRIRANGAPATNA

OS 184/2022

Sri. KK advocate for plaintiff filed IA No.3 u/s 151 of CPC for extension of TI.

Sri. BPS advocate for defendant No.1 filed IA No.4 u/s 148 of CPC for extension of time to file written statement. Perused IA's and same are allowed.

Reissue SS to defendant No.2 to 9, 13 to 15 through RPAD if PF is paid. TI is extended till further order. Call on for appearance of defendants and written statement of defendant No.1 by 28.03.2023

ASCJ, SRIRANGAPATNA

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MVC 425/2019: 21.02.2023

Petitioner absent. Sri. NMM advocate for petitioner prays time for petitioner evidence and steps. Perused order sheet already sufficient opportunities has been given to petitioner. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

EX 80/2022: 21.02.2023

Sri. NMM advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

MVC 586/2022

Issues framed. Call on for petitioner evidence by 15.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1631/2022

Sri. PAS advocate filed memo of undertaking for respondent No.2.

Sri. DRN advocate for petitioner filed IA No.1 u/o 22 rule 2 r/w Sec. 151 of CPC to bring the Lrs of petitioner and along with vakalath.

Reissue notice to respondent No.1 through RPAD and objection to IA No.1 R/by 18.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 260/2020

Sri. NMM advocate for petitioner filed IA No.2 u/o 22 rule 3 of CPC and IA No.3 u/o 22 rule 9 of CPC to set aside the abatement order and also filed IA No.4 u/s 5 of Limitation Act and along with list with documents and vakalath. Call on for objections by 28.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 34/2021

Sri. AK advocate for petitioner filed IA No.2 u/o 22 rule 3 of CPC and IA No.3 u/o 22 rule 9 of CPC to set aside the abatement order and also filed IA No.4 u/s 5 of Limitation Act and along with list with documents and vakalath. Call on for objections by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1434/2020

Sri. RR advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Smt. GMV advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. RR advocate for petitioner suggests name of Sri. MS advocate as Commissioner for examination of petitioner.

Sri. MS advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MS advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. RR advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 20.03.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1752/2019

Sri. KVY advocate of petitioner filed IA No.4 u/o 16 rule 1 and 6 r/w Sec.151 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. SEL advocate for respondent No.2 submits no objection to allow the IA No.4.

Perused IA and affidavit and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witness as prayed in the IA. Call on for further petitioner evidence by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 312/2020

Sri. NMM advocate of petitioner filed IA No.2 u/o 16 rule 1 and 6 r/w Sec.151 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. SJD advocate for respondent No.2 submits no objection to allow the IA No.2.

Perused IA and affidavit and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witness as prayed in the IA. Call on for further petitioner evidence by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

RA 26/2022

Sri. OSB advocate for appellant filed IA No.3 u/o 17 rule 1 and 2 seeking adjournment for 15 days. Perused IA and affidavit and same is partly allowed. Time granted for 5 days. Call on for arguments by 01.03.2023

ASCJ, SRIRANGAPATNA

EX 3/2023, 9/2023, 10/2023

Cause notice is duly served on Jdr. Called out. Absent.

Issue attachment warrant of movables of Jdr. R/by 01.04.2023

ASCJ, SRIRANGAPATNA

Heard Sri. Lingaraju C. advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 r/w sec. 151 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule properties contending that, suit schedule properties is joint family property of herself and defendants and she is entitled for share in the suit schedule properties.

Now the defendant No.1 and 5 are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the property. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of her application the plaintiff has sworn affidavit and produced Family G.Tree, Katha extract, partition deed, agreement of sale and RTC pertaining to suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiff claims that she is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to alienate of the proceedings.

Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No.1 and 5 as prayed in I.A.No.I and direct the defendant No.1 and 5 not to alienate the suit properties if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 04.04.2023.

ASCJ, SRIRANGAPATNA

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MVC 822/2022

Issues framed. Call on for petitioner evidence by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 8/2023

Sri. CRS advocate for defendant No.2 filed IA No.4 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No.1 and 2 and along with vakalath of defendant No.1 and 2. Call on for objections if any by 24.02.2023

ASCJ, SRIRANGAPATNA

FDP 20/2019

Sri. HC advocate for petitioner filed IA No.3 u/o 22 rule 3 of CPC to bring the Lrs of petitioner No.2 and also filed IA No.4 Sec.5 of Limitation Act and Death Certificate of petitioner No.2.

On the other hand Sri. DG advocate for respondent No.1, 3 to 5 submits no objection to IA No.2 and 3. Perused IA's and affidavits and same are allowed in the interest of justice and equity. Call on for amendment and amended petition by 18.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 868/2019

Sri. PAS advocate of respondent No.2 filed IA No.2 u/o 16 rule 1, 6 and 14 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. NMM advocate for petitioner submits no objection to allow the IA No.2.

Perused IA and affidavit and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witness as prayed in the IA. Call on for further respondent evidence by 17.03.2023

ASCJ & MACT, SRIRANGAPATNA

RA 18/2022

Sri. MM advocate for appellant filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against respondent. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to respondent on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against respondent. Hence IA No.2 is allowed. Consequently, the appellant is permitted to take sub service against respondent by way of paper publication.

Sri. MM advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where respondent reside or carries business for his livelihood on or before 01.03.2023 and direct respondent to appear before this Court on 04.04.2023.

Sri. MM advocate for appellants undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent by 04.04.2023.

ASCJ, SRIRANGAPATNA

OS 68/2016

DW1 present. Fully cross examined.

Sri. ICS advocate filed IA No.18 u/s 151 of CPC reopen the case from the stage of further defendant evidence, IA No.19 u/o 8 rule 1(3) of CPC seeking permission to produce list with documents by condoning delay and along with list with documents and also filed IA No.20 u/o 18 rule 17 of CPC for recall on PW1 for the purpose of further cross examination. Call on for objections to IA No.18 to 20 by 22.03.2023

ASCJ, SRIRANGAPATNA

OS 172/2022

Sri. MD advocate filed vakalath, written statement and objection to IA No.1 for defendant. Call on to hear on IA No.1 by 09.03.2023

ASCJ, SRIRANGAPATNA

OS 6/2011

Sri. PG advocate for plaintiff filed IA No.34 u/s 151 of CPC seeking reopen the case from the stage of cross examination of PW1. Perused IA and affidavit and same is allowed. Ex.P.45 to P.50 are got marked. Finally for cross examination of PW1 by 21.02.2023

ASCJ, SRIRANGAPATNA

FDP 9/2016

Issue court notice to counsel for petitioner. R/by 13.03.2023

ASCJ, SRIRANGAPATNA

EX 184/2022

Sri. NVR advocate is present and undertakes for Jdr. Call on for appearance of Jdr and payment by 05.04.2023

ASCJ, SRIRANGAPATNA

EX 170/2022

Sri. BMS advocate filed power for Jdr. Reissue attachment warrant of movables of Jdr if PF is paid and necessary charges deposited. R/by 04.04.2023

ASCJ, SRIRANGAPATNA

EX 168/2022

Reissue cause notice to Jdr through RPAD. R/by 2.03.2023

ASCJ, SRIRANGAPATNA

1491/2022

Notice is duly served on respondent No.1. service of notice held sufficient. Called out. Absent. Placed exparte. Call on for petitioner evidence by 04.04.2023

ASCJ & MACT, SRIRANGAPATNA

1483/2022, 1484/2022, 1485/2022

Notice is duly served on respondent No.1 and 2. service of notice held sufficient. Called out. Absent. Placed exparte. Call on for petitioner evidence by 23.03.2023

ASCJ & MACT, SRIRANGAPATNA

1165/2022

Sri. SEL advocate filed power for respondent No.2. Reissue notice to respondent No.1 through RPAD if PF is paid and written statement of respondent No.2. R/by 28.03.2023

ASCJ & MACT, SRIRANGAPATNA

578/2022, 579/2022

Respondent No.1 called out. Absent. Placed exparte. Sri. SJD advocate filed power for respondent No.2. Call on for written statement of respondent No.2 by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

1441/2020

Reissue notice to respondent No.1 and 2 through RPAD if PF is paid. R/by 13.03.2023

ASCJ & MACT, SRIRANGAPATNA

480/2020

Sri. MGP advocate for petitioner filed memo along with paper publication. Respondent No.1 called out. Absent. Placed exparte. Call on for petitioner evidence by 20.03.2023

ASCJ & MACT, SRIRANGAPATNA

RA 56/2022

Respondent No.1 and 2 called out. Absent. Call for await Lcr by 06.03.2023

ASCJ, SRIRANGAPATNA

OS 28/2023

Sri. NKS advocate filed power for defendant No.2.

Summons issues by this court to the defendant No.1 is served on daughter-in-law of the defendant No.1. service of summons held sufficient. Called out. Absent. Placed exparte. Call on for await process of defendant No.3 and written statement and objections of defendant No.2 by 18.03.2023

ASCJ, SRIRANGAPATNA

OS 6/2023

Sri. SSP advocate filed written statement and adoption memo. Call on to hear on maintainability of suit by 06.03.2023

ASCJ, SRIRANGAPATNA

OS 202/2022

Sri. HR advocate filed power for defendant No.1 to 3. call on for await process of defendant No.4 and written statement and objections to defendant No.1 to 3 to 18.03.2023

ASCJ, SRIRANGAPATNA

OS 124/2022

Summons is duly served on defendant. Called out. Absent. Placed exparte. Call on for plaintiff evidence by 13.03.2023

ASCJ, SRIRANGAPATNA

OS 36/2022

Sri. MSK advocate filed memo along with paper publication. Sri. IKR advocate filed power for defendant No.1 and 2. Call on for written statement and objection by 17.03.2023

ASCJ, SRIRANGAPATNA

OS 42/2021

The plaintiff present and filed objection to IA No.4. Call on to hear on IA No.4 by 23.03.2023

ASCJ, SRIRANGAPATNA

OS 28/2021

Reissue SS to defendant No.6 and 7 R/by 05.04.2023

ASCJ, SRIRANGAPATNA

OS 128/2019

Defendant No.2 called out. Absent. Placed exparte. Call on for steps by 04.04.2023

ASCJ, SRIRANGAPATNA

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OS 40/2023

Heard Sri. MSK advocate for plaintiff on I.A. No.1 and perused the materials available on record.

Plaintiff has filed the present suit against the defendants for the relief of specific performance of contract in respect of suit schedule property contending that the defendants have executed registered sale deed dated: 19.02.2020 in his favor agreeing to sell suit schedule property for Rs.14,00,000/- and received Rs.10,00,000/- as advance on different dates and agreed to receive balance of Rs.4,00,000/- at the time of registration of sale deed. Though the plaintiff is ready to get execute sale deed, the defendants evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. Therefore, the plaintiff prayed to grant exparte temporary injunction. In support of his application the plaintiff has sworn an affidavit contending that the defendants have executed registered sale deed dated: 19.02.2020 in his favor agreeing to sell suit schedule property for Rs.14,00,000/- and received Rs.10,00,000/- as advance on different dates and agreed to receive balance of Rs.4,00,000/- at the time of registration of sale deed. Though he is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. The plaintiff has also produced original registered sale agreement dated 19.02.2020, executed in his favor by the defendants, RTC, Office copy of Legal notices, Postal

receipts and acknowledgement.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. At this stage, it appears that plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

:ORDER:

Issue Exparte Temporary Injunction, against the defendants as prayed in I.A.No.I, if the plaintiff complies the provisions of order 39 rule 3 (a) of C.PC till the next date of hearing.

Office is directed to credit the court fee in CCD.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 04.04.2023.

ASCJ, SRIRANGAPATNA

Sri. BMS advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Sri. KVY advocate for petitioner filed IA No.3 u/o 22 rule 3 of CPC without vakalath of Lrs of petitioner. Call on for compliance by 09.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 929/2017

Sri. VV advocate filed examination in chief of RW1 and 2 by way of affidavits. Ex.R.1 to 5 are got marked. Fully cross examined. Further respondent evidence closed. Arguments by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 970/2019

Sri. ANK advocate for petitioner filed IA No.7 u/o 22 rule 3 of CPC to bring the Lrs of petitioner No.1(a to c), IA No.8 u/o 22 rule 9 of CPC for abatement set aside and also filed IA No.9 Sec.5 of Limitation Act and Death Certificate of petitioner and vakalath of Lrs of petitioner. Call on for objection if any by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. MKS advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 18.03.2023.

ASCJ & MACT, SRIRANGAPATNA

Series cases

Respondent evidence by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1671/2019

Sri. CSV advocate for petitioned filed IA No.8 u/o 18 rule 17 of CPC for recall of PW1 and also filed IA No.9 u/o 7 rule 14(3) of CPC seeking permission to produce list with documents by condoning the delay and along with list with one document.

Perused IA and affidavits and same are allowed. PW1 is recalled and list with documents taken as on record. PW1 present. Ex.P.21 is got marked. Fully cross examined.

Sri. BMS advocate for respondent No.2 filed IA No.10 u/o 6 rule 17 of CPC seeking permission to amend the written statement. Perused IA and same is allowed. Call on for amendment and amended written statement by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2070/2019

Sri. SEL advocate field court commissioner report.

Sri. GPJ advocate for petitioned filed IA No.5 u/s 151 of CPC for recall of PW1.

Perused IA and affidavit and same is allowed. PW1 is recalled and list with documents taken as on record. PW1 present. Ex.P.9 is got marked. Call on for cross examination of PW1 by 20.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 158/2021

Sri. BMS advocate for respondent No.2 submits no respondent evidence. Hence, respondent evidence is closed. Call on for arguments by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1504/2019

Reissue summons to witness as prayed for. Call on for respondent evidence by 10.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1668/2018

Sri. DRN advocate for petitioner filed IA No.8 U/s 151 of CPC reopen the case from the stage of respondent evidence. Perused IA and affidavit and same is allowed. Case is reopened. Call on for further petitioner evidence last chance by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1208/2018

Smt. Navida Banu, MRT Technician working at K.R.Hospital, Mysore is present and produce documents. Call on for further chief of PW1 by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

RA 4/2023

Sri. AGP filed memo of appearance for respondents.

Sri. NKS advocate for appellant filed IA No.1 u/o 41 rule 27 of CPC seeking permission to lead additional evidence with two documents. Call on for objection by 20.02.2023

ASCJ, SRIRANGAPATNA

OS 18/2023

Sri. SS advocate filed power for defendant. Call on for written statement and objection by 17.03.2023

ASCJ, SRIRANGAPATNA

OS 16/2023

Defendant No.1 and 3 called out. Absent. Placed exparte. Reissue emergent notice and SS to defendant No.2 and 4. R/by 20.03.2023

ASCJ, SRIRANGAPATNA

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MVC 310/2020

Additional issues framed. Call on for cross of PW1 by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1237/2022

Issues framed. Call on for petitioner evidence by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 154/2022

Sri. DPK advocate for petitioner filed examination in chief of PW2 by way of affidavit by name Dr.Karunakar. Ex.P.12 to 17 are got marked. Fully cross examined. Further petitioner evidence closed. Call on for respondent evidence by 13.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 94/2022

Sri. HR advocate for defendants filed IA No.2 u/s 151 of CPC seeking permission to file written statement of defendants and along with written statement and verification affidavit.

On the other hand Sri. KK advocate for plaintiff submits IA No.2 filed by the defendants may be allowed with heavy cost.

Perused IA and affidavit and same is allowed with cost of Rs.500/-. Written statement of defendants taken on record. Call on for compliance u/s 89 of CPC by 04.03.2023

ASCJ, SRIRANGAPATNA

OS 36/2018

Sri. ATJ advocate for plaintiff reported the death of defendant No.5 by filing memo and also filed memo stating that the defendant No.6 to 8 are the Lrs of defendant No.5. They are already brought on record. Perused memo's are same are accepted. Call on for amendment and amended plaint by 16.03.2023

ASCJ, SRIRANGAPATNA

OS 74/2020

Sri. GMN advocate filed IA No.8 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No.6 to 9 and along with vakalath and written statement. And also filed IA No.9 u/s 151 of CPC seeking permission to file written statement and filed written statement of defendant No.6 to 9.

Sri. CR advocate for defendant No.5 field IA No.10 u/s 151 of CPC seeking permission to file written statement and along with list with 7 documents.

On the other hand Sri. HVS advocate for plaintiff submits that IA No.8 to 10 filed by the defendant No.5 to 9 are may be allowed with heavy cost.

Perused IA and affidavits and same are allowed with cost of Rs.300/- each. Cost paid. Exparte orders passed against the defendant No.6 to 9 are hereby set aside. Vakalath and written statement of defendants are taken on record. Call on for additional issues by 04.03.2023

ASCJ, SRIRANGAPATNA

MVC 1376/2020

PW1 present. Fully cross examined. Sri. MGP advocate for petitioner filed IA No.3 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and along with witness list. Perused IA and affidavit and same is allowed and witness list taken as on record.

And also filed examination in chief of PW2 by way of affidavit. Fully cross examined. Further petitioner evidence closed. Call on for respondent evidence by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 104/2017

Sri. AK advocate for plaintiff filed examination in chief of PW1 by way of affidavit. Perused order sheet, after service of Lrs notice. The Lrs of defendant No.2 were not appeared. Thereafter, Lrs application were allowed and amendment carried out and amended plaint was filed. Due to oversight suit summons were not issues to the Lrs of defendant No.2. Hence, issue suit summons to Lrs of defendant No.2. R/by 16.03.2023**

ASCJ, SRIRANGAPATNA

EX 186/2022

Sri. NVR advocate filed power for Jdr. Call on for payment by 18.03.2023

ASCJ, SRIRANGAPATNA

EX 129/2022

Sri. SLS advocate filed power for Jdr. Call on for objections by 18.03.2023

ASCJ, SRIRANGAPATNA

EX 47/2022

Reissue commissioner warrant if furnish copy of decree and paid commissioner fee of Rs.2,000/-. Call on for await commissioner report by 29.03.2023

ASCJ, SRIRANGAPATNA

EX 41/2022

Reissue attachment warrant of movables of Jdr. R/by 17.03.2023

ASCJ, SRIRANGAPATNA

EX 122/2019

Steps finally by 01.03.2023

ASCJ, SRIRANGAPATNA

EX 118/2012

Steps by 20.02.2023

ASCJ, SRIRANGAPATNA

MVC 1454/2022

Respondent No.2 called out. Absent. Placed exparte. Call on for await process of respondent No.1 by 04.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1435/2022

Respondent No.1 called out. Absent. Placed exparte. Call on for petitioner evidence by 24.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1032/2022

Petitioner evidence by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 747/2022

Case called out. No representation. Finally for petitioner evidence by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 422/2022

Call on for petitioner evidence by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 178/2022

Sri. SEL advocate filed court commissioner report. Further petitioner evidence closed. Call on for respondent evidence by 10.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 57/2022

Call on for further chief of PW1 by 27.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1003/2021, 1004/2021

Issue reminder to court commissioner. Call on for await court commissioner by 04.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 939/2021

PW1 absent. Prays time. Finally for further chief of PW1 by 09.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 331/2021

Issue court notice to counsel for petitioner. R/by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 159/2021

Settlement by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1646/2020

Petitioner evidence by 01.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1529/2020

Further petitioner evidence by 23.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1506/2020

PW1 absent. Prays time. Finally for further chief of PW1 by 13.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1391/2020

Await commissioner report by 15.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1152/2020

Respondent evidence last chance by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1151/2020

Petitioner evidence last chance by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1141/2020

Settlement by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 930/2020

Call on for further petitioner evidence last chance by 17.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 822/2020

Await commissioner report by 09.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 714/2020, 1093/2020

Petitioner evidence last chance by 04.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2013/2019 to 2015/2019

Call on for await commissioner report by 09.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1377/2019

Sri. SRK advocate for respondent filed IA No.2 u/o 1 rule 10(2) of CPC to implead the IA schedule person as respondent No.2. Call on for objection to IA No.2 by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 869/2019

Sri. NVR advocate filed court commissioner report. Further petitioner evidence closed. Call on for respondent evidence by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

RA 66/2022

Sri. KKL advocate filed power for respondent No.1(a and b), respondent No.1-d (a to c), 1(f and g) and respondent No. 2 and 3. Reissue notice to respondent No.1(e) through hands of appellant No.1(c) by name Kumara. R/by 09.03.2023

ASCJ, SRIRANGAPATNA

RA 58/2022

Sri. LV advocate filed power for respondent. Call for Lcr and objection to IA No.1 by 15.03.2023

ASCJ, SRIRANGAPATNA

RA 46/2021

Sri. CRS advocate for appellant filed retirement memo for appellant. Perused memo and same is accepted. Sri. IKR advocate filed vakalalth for appellant. Call on for arguments by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 150/2022

Reissue SS to defendant No.1 to 3 through RPAD if PF is paid and furnished correct address. R/by 20.03.2023

ASCJ, SRIRANGAPATNA

OS 82/2022

Plaintiff evidence last chance by 07.03.2023

ASCJ, SRIRANGAPATNA

OS 122/2021

Sri. CRS advocate for defendant field IA No.3 u/s 68 of Indian Evidence Act r/w 151 of CPC seeking direction to the plaintiff to produce original Will dated 28.04.2017. Call on for objection to IA No.3 by 02.03.2023

ASCJ, SRIRANGAPATNA

OS 38/2021

Call on for objection by 06.03.2023

ASCJ, SRIRANGAPATNA

OS 32/2021

Plaintiff evidence finally by 28.03.2023

ASCJ, SRIRANGAPATNA

OS 22/2021

Call on for await mediation report by 13.03.2023

ASCJ, SRIRANGAPATNA

OS 78/2020

Call on for further chief of PW1 by 09.03.2023

ASCJ, SRIRANGAPATNA

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MVC 1051/2022

Issues framed. Call on for petitioner evidence by 08.03.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. MNP advocate of respondent No.2 filed IA No.6 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. APN advocate for petitioner submits no objection to allow the IA No.6

Perused IA and affidavits and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witness as prayed in the IA No.6. Call on for further respondent evidence by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 90/2020

Perused order sheet, the plaintiff has filed the suit against the defendants for partition and separate possession over the suit schedule properties. But suit summons were served on defendant No.1 to 3 only. Hence, issue summons to defendant No.4 and 5 through RPAD and issue hand summons to defendant No.6. R/by 13.03.2023

ASCJ, SRIRANGAPATNA

OS 118/2016

Sri. MSK advocate for plaintiff filed IA No.30 u/s 151 of CPC reopen the case from the stage of arguments and also filed IA No.31 u/o 18 rule 17 of CPC for recall of DW2 and 3 for the purpose of cross examination.

On the other hand Sri. BRT advocate for defendants submits IA No.30 and 31 filed by the plaintiff may be allowed with heavy cost. Perused IA and affidavits and same are allowed with cost of Rs.500/- each. Case is reopened and DW2 and 3 are recalled. Issue SS to DW2 and 3 if PF is paid. Call on for cross of DW2 and 3 by 17.02.2023

ASCJ, SRIRANGAPATNA

OS 100/2022

Sri. GSN advocate for plaintiff filed IA No.1 to bring the Lrs of defendant.

Issue notice to Lrs of defendant if PF is paid and furnished copies. R/by 28.03.2023

ASCJ, SRIRANGAPATNA

EX 187/2022

Reissue attachment warrant of movables of Jdr if is paid and D amount is deposited. R/by 16.03.2023

ASCJ, SRIRANGAPATNA

EX 161/2022

Cause notice is duly served on wife of Jdr. Called out. Absent. Issue arrest notice to Jdr through RPAD if PF is paid. R/by 16.03.2023

ASCJ, SRIRANGAPATNA

EX 144/2019

Reissue arrest warrant against the Jdr if PF is paid and D amount is deposited through special ameen. R/by 13.03.2023

ASCJ, SRIRANGAPATNA

ECA 4/2021

Case called out. No representation. Call on for petitioner evidence by 29.03.2023

ASCJ, SRIRANGAPATNA

MVC 1558/2022

Sri. SRA advocate filed power for respondent No.1 and Sri. SJD advocate filed power for respondent No.2. Call on for written statement of respondents by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 856/2022

Sri. SRS advocate filed power for respondent No.1. Notice is duly served on respondent No.2 called out. Absent. Placed exparte. Call on for written statement of respondent No.1 by 16.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1078/2021

Reissue notice to respondent No.2 if PF is paid and furnished correct address. R/by 15.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 520/2021, 554/2021

Call on for steps by 22.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 135/2021

Call on for further petitioner evidence by 06.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1389/2020

Petitioner absent. Prays time. Call on petitioner evidence by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1209/2020

PW1 absent. Prays time. To keep present the PW1. Call on for further chief of PW1 finally by 13.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1444/2019

Petitioner and their counsels called out. Absent. Further petitioner evidence closed. Call on for respondent evidence by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1005/2019

Await commissioner report by 01.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1474/2018

PW1 absent. To keep present the PW1 on next date of hearing without fail. Call on for cross of PW1 by 23.02.2023

ASCJ & MACT, SRIRANGAPATNA

FDP 17/2022

Call on for hearing by 13.04.2023

ASCJ, SRIRANGAPATNA

OS 2/2023

Summons is duly served on defendant. Called out. Absent. Placed exparte. Call on for plaintiff evidence by 23.02.2023

ASCJ, SRIRANGAPATNA

OS 200/2022

Sri. KSN advocate filed power for defendant. Call on for written statement and objection by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 50/2022

Plaintiff evidence finally by 27.02.2023

ASCJ, SRIRANGAPATNA

OS 14/2022

Plaintiff evidence by 02.03.2023

ASCJ, SRIRANGAPATNA

OS 6/2022

Plaintiff evidence for last chance by 02.03.2023

ASCJ, SRIRANGAPATNA

OS 88/2021

Plaintiff absent. Prays time. Finally for plaintiff evidence by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 84/2021

Call on for steps by 01.03.2023

ASCJ, SRIRANGAPATNA

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EX 137/2022

Reissue cause notice to Jdr No.1 to 4 through RPAD if PF is paid. R/by 24.03.2023

ASCJ, SRIRANGAPATNA

EX 88/2021

Cause notice is duly served on Jdr. Called out. Absent. Issue attachment warrant of movables of Jdr if PF is paid by 23.03.2023

ASCJ, SRIRANGAPATNA

EX 19/2021

Cause notice is duly served on Jdr. Called out. Absent. Issue attachment warrant of movables if PF is paid. R/by 23.03.2023

ASCJ, SRIRANGAPATNA

EX 3/2019

Call on for objection to IA No.1 finally by 09.03.2023

ASCJ, SRIRANGAPATNA

EX 65/2017

Reissue attachment warrant of movables of Jdr if PF is paid and necessary charges is deposited. R/by 16.03.2023

ASCJ, SRIRANGAPATNA

MVC 1554/2022

Written statement and vakalath of respondent No.1 by 22.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1369/2022

Reissue notice to respondent No.1 through RPAD if PF is paid. R/by 28.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 948/2022

Petitioner evidence by 13.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 862/2022

Petitioner evidence by 06.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 813/2022

Petitioner evidence by 27.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 587/2022

Notice is duly served on respondents. Called out. Absent. Placed exparte. Call on for petitioner evidence by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 419/2022

Petitioner evidence by 10.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 395/2022

Petitioner evidence by 10.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 248/2022

Petitioner evidence by 01.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1012/2021

Further petitioner evidence last chance by 01.3.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 867/2021

Petitioner evidence by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 652/2021

Notice duly served on respondent No.1. Called out. Absent. Placed exparte. Call on for issues by 22.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 650/2021

Petitioner evidence by 10.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1520/2020

Further petitioner evidence by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 423/2021

Further chief of PW1 by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1215/2020, 1216/2020

Call on for await commissioner report by 09.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1140/2020

Petitioner evidence last chance by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1103/2020

Await commissioner report by 04.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 933/2020

Sri. NVR advocate field court commissioner report. Further petitioner evidence closed. Call on for respondent evidence by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 918/2020

Await commissioner report by 02.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 839/2020

Await commissioner report by 02.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 828/2020

Further petitioner evidence by 10.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 710/2020

Await commissioner report by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 672/2020 & 673/2020

Await commissioner report by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 670/2020

Call on for await commissioner report by 04.3.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 599/2020

Call on for further petitioner evidence by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 486/2020

SS is duly served on witness. Called out. Absent. Issue bailable warrant against the witness with penalty of Rs.100/- as prayed for if PF is paid. R/by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 380/2020

Await commissioner report by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 311/2020

Sri. SMM advocate field court commissioner report. Further petitioner evidence closed. Call on for evidence of respondents by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 260/2020

Petitioner evidence last chance by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

2287/2019

Sri. MNN advocate for petitioner filed IA No.2 u/o 22 rule 3 of CPC to bring the Lrs of petitioner, IA No.3 u/o 22 rule 9 of CPC for abatement of set aside and also filed IA No.4 u/s 5 of Limitation Act. Call on for objection if any by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2223/2019

Petitioner evidence by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 158/2021

Respondent evidence by 17.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1444/2019

Call on for further petitioner evidence if any by 15.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1345/2019

Await commissioner report by 15.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1998/2019

Reissue notice to respondent No.1, 3 and 5 through RPAD if PF is paid and furnished correct address with postal cover and stamps. R/by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1716/2019

Call on for further petitioner evidence by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1659/2019

Await commissioner report by 08.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1445/2019, 1508/2019

Call on for await commissioner report by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1133/2019, 1134/2019

Call on for await commissioner report by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1050/2019

Call on for petitioner evidence by 08.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 970/2019

Steps by 17.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 569/2019

Await commissioner report by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 465/2019

Sri. NVR advocate filed court commissioner report. Further petitioner closed. Call on for respondent evidence by 17.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1583/2018

Await commissioner report by 27.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 991/2018

Respondent evidence by 20.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1234/2018

Reissue SS to witness if PF is paid.
R/by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 317/2018

Reissue bailable warrant against the witness with penalty of Rs.1,000/-. R/by 13.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1331/2017, 1393/2017

Await commissioner report by 27.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 569/2017

Await commissioner report by 20.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 378/2017

Await commissioner report by 15.02.2023

ASCJ & MACT, SRIRANGAPATNA

FDP 13/2020

Respondent No.5 called out. Absent. Placed exparte. Call on for further steps by 22.2.2023

ASCJ, SRIRANGAPATNA

FDP 14/2019

Await commissioner report by 06.03.2023

ASCJ, SRIRANGAPATNA

FDP 3/2019

Call on for hearing by 23.02.2023

ASCJ, SRIRANGAPATNA

FDP 9/2016

Steps by 16.02.2023

ASCJ, SRIRANGAPATNA

FDP 22/2013

Steps by 15.02.2023

ASCJ, SRIRANGAPATNA

FDP 16/2013

Await orders by 28.03.2023

ASCJ, SRIRANGAPATNA

FDP 22/2005

Await commissioner report by 22.02.2023

ASCJ, SRIRANGAPATNA

RA 38/2022

Sri. CB advocate filed power for respondent No.3

Respondent No.1 and 2 called out. Absent. Call for Lcr. Call on for await Lcr by 27.02.2023

ASCJ, SRIRANGAPATNA

RA 26/2022

Arguments by 14.02.2023

ASCJ, SRIRANGAPATNA

RA 16/2022

The appellant No.2 present and return the notice issued to the appellants. Call on for steps by 14.02.2023

ASCJ, SRIRANGAPATNA

RA 16/2021

Call on for await process of respondent No.1, 3 and 4 by 04.03.2023

ASCJ, SRIRANGAPATNA

RA 32/2018

Call on for enquiry by 22.02.2023

ASCJ, SRIRANGAPATNA

OS 8/2023

Call on to hear on IA No.1 by 07.03.2022

ASCJ, SRIRANGAPATNA

OS 168/2022

Sri. LKS advocate for plaintiff filed IA No.4 u/s 151 of CPC for extension of TI. Perused IA and same is allowed.

Written statement of defendant No.1, 3, 4 and 5 taken as not filed. TI is extended till further order. Call on for await process of other defendants by 08.03.2023

ASCJ, SRIRANGAPATNA

OS 146/2022

Amended plaint by 23.02.2023

ASCJ, SRIRANGAPATNA

OS 10/2022

Call on for further chief of PW1 by 02.03.2023

ASCJ, SRIRANGAPATNA

OS 102/2021

Call on for objections finally and last chance by 20.02.2023

ASCJ, SRIRANGAPATNA

OS 26/2021

Call on for objection to IA No.2 and 3 by 07.03.2023

ASCJ, SRIRANGAPATNA

OS 126/2019

Reissue SS to defendant No.7 through RPAD if PF is paid. R/by 13.03.2023

ASCJ, SRIRANGAPATNA

OS 110/2019

Call on for further chief of PW1 by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 74/2019

Arguments by 24.02.2023

ASCJ, SRIRANGAPATNA

OS 60/2019

Plaintiff evidence by 27.02.2023

ASCJ, SRIRANGAPATNA

OS 112/2018

Defendant evidence by 14.02.2023

ASCJ, SRIRANGAPATNA

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OS 32/2023

Heard Sri. MAI advocate for plaintiff on I.A. No.1 and perused the materials available on record.

Plaintiff has filed the present suit against the defendants for the relief of specific performance of contract in respect of suit schedule property contending that the defendants have executed registered sale deed dated: 21.10.2019 in his favor agreeing to sell suit schedule property for Rs.5,40,000/- and received Rs.5,00,000/- as advance and agreed to receive balance of Rs.40,000/- at the time of registration of sale deed. Though the plaintiff is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. Therefore, the plaintiff prayed to grant exparte temporary injunction. In support of his application the plaintiff has sworn an affidavit contending that the defendants have executed registered sale deed dated: 21.10.2019 in his favor agreeing to sell suit schedule property for Rs.5.40,000/- and received Rs.5.00,000/- as advance and agreed to receive balance of Rs.40,000/- at the time of registration of sale deed. Though he is ready to get execute sale deed, the defendants evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. The plaintiff has also produced original registered sale agreement dated 21.10.2019, executed in his favor by the defendants, RTC, Office copy of Legal notices, Postal receipts and acknowledgement.

I carefully gone through the plaint averments, affidavit filed in support of

I.A.No.I and documents produced along with plaint. At this stage, it appears that plaintiff has made out a prima-facie case to proceed against defendant. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

:ORDER:

Issue Exparte Temporary Injunction, against the defendants as prayed in I.A.No.I, if the plaintiff complies the provisions of order 39 rule 3 (a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 20.03.2023

ASCJ, SRIRANGAPATNA

Sri. DPK advocate for petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. KPK advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. DPK advocate for petitioner suggests name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DPK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report by 06.03.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. MKS advocate for petitioner filed IA No.6 u/s 151 of CPC seeking pass an order for reopen the case from the stage of respondent evidence. Perused IA and affidavit and same is allowed.

And also filed filed IA No.7 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 7 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay

commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 28.02.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 58/2019

Smt. BRL advocate for defendant No.2 filed IA No.6 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No.2 and along with vakalath and written statement of defendant No.2.

On the other hand Sri. ATJ advocate for plaintiff submits that IA No.6 filed by the defendant No.2 may be allowed with heavy cost.

Perused IA and affidavit and same is allowed with cost of Rs.500/-. Exparte order passed against the defendant No.2 is hereby set aside and written statement of defendant No.2 taken as on record. Cost paid. Call on for settlement as per sec. 89 of CPC by 27.02.2023.

ASCJ, SRIRANGAPATNA

EX 119/2022

Sri. HNK advocate filed power for Jdr. Call on for objection if any by 01.03.2023

ASCJ, SRIRANGAPATNA

MVC 1489/2022

Sri. SS advocate filed power for respondent No.2. Call on for written statement of respondent No.2 by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1442/2022

Vakalath and written statement of respondent No.2 by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1333/2022

Sri. PAS advocate for respondent No.2 prays time file written statement. There is no grounds. Prayer is rejected. Written statement of respondent No.2 taken as not filed. Reissue notice to respondent No.1 through RPAD. R/by 24.03.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 1290/2022

Written statement of respondent taken not filed. Call on for petitioner evidence by 13.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1258/2022 & 1259/2022

Written statement of respondent No.1 taken as not filed. Call on for petitioner evidence 21.03.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 1200/2022

Petitioner evidence by 02.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1155/2022

Written statement of respondent No.2 taken as not filed. Reissue notice to respondent No.1 through RPAD. R/by 24.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1087/2022

Reissue notice to respondent No.1. R/by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1086/2022

Sri. SM advocate for respondent No.1 and Sri. KPK advocate for respondent No.2 prays time to file written statement. Prayer is rejected. Written statement taken as not filed. Call on for petitioner evidence by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 694/2022

Petitioner evidence by 02.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 173/2022

Finally for objections by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 115/2022

Petitioner evidence by 14.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1232/2021

Petitioner evidence by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1434/2020

Further petitioner evidence by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1149/2020

Await process by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 751/2020

Further petitioner evidence by 09.03.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 575/2020

Respondent evidence by 17.02.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 356/2020

Further chief of PW1 by 06.03.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 2268/2019

Sri. RL advocate for respondent No.2 filed IA No.3 u/o 6 rule 17 of CPC seeking permission to amend the written statement of respondent No.2. Call on for objection to IA No.3 by 03.03.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 2172/2019

Respondent evidence by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2168/2019

Call on for further petitioner evidence by 01.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2072/2019

Respondent No.1 and their counsel called out. Absent. Hence, written statement of respondent No.1 taken as not filed. Call on for petitioner evidence by 20.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 68/2019 to 78/2019, 592/2019, 1378/2020, EX 103/2022

Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1266/2019

Reissue bailable warrant against the witness with penalty of Rs.500/- if PF is paid. R/by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 248/2019

Reissue bailable warrant against the witness with penalty of Rs.1,000/- if PF is paid. R/by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

OS 160/2022

Plaintiff evidence by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 144/2022

Reissue SS to defendant No.3. R/by 10.03.2023

ASCJ, SRIRANGAPATNA

OS 104/2022

Await process by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 132/2021

Plaintiff absent. Prays time. Call on for plaintiff evidence finally by 09.03.2023

ASCJ, SRIRANGAPATNA

OS 128/2021

Plaintiff absent. Prays time. Call on for plaintiff evidence finally by 09.03.2023

ASCJ, SRIRANGAPATNA

OS 146/2018

Sri. NVN advocate for plaintiff filed objection to IA No.13 and 14. Call on to hear on IA No.13 and 14 by 27.02.2023

ASCJ, SRIRANGAPATNA

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MVC 1062/2022

Issues framed. Call on for petitioner evidence by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 140/2021

Sri. CSV advocate for defendant No.1 to 5 filed IA No.4 u/s 151 of CPC seeking permission to file written statement of defendants and along with written statement and adoption memo of defendant No.2, 4 and 5.

On the other hand Sri. SSP advocate for plaintiff submits that IA No.4 filed by the defendants may be allowed with heavy cost.

Perused IA and affidavit and same is allowed with cost of Rs.500/-. Written statement is taken on record. Written statement of defendant No.1 is adopted by defendant No.2, 4 and 5.

Case is referred to Lok Adalath on 11.02.2023

ASCJ, SRIRANGAPATNA

OS 108/2022

Sri. IKR advocate for plaintiff filed application u/s 151 of CPC seeking permission to deposit balance sale consideration amount by deducting the cost. Perused IA and same is allowed. The plaintiff is permitted to deposit balance sale consideration amount by deducting cost of Rs.77,142/-.

ASCJ, SRIRANGAPATNA

OS 26/2021

Sri. GNR advocate for defendant No.1 to 12, 14 and 15 filed IA No.2 u/o 9 rule 7 of CPC to set aside the exparte order passed against them and along with vakalath. And also filed IA No.3 u/s 151 of CPC seeking permission file written statement of defendant No.1 to 12, 14 and 15. Call on for objections to IA No.2 and 3 by 13.02.2023

ASCJ, SRIRANGAPATNA

MVC 351/2020

PW1 present. Fully cross examined. Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

OS 38/2012

Sri. CRD advocate for Lrs of defendant No.1(a) and Sri. AKA advocate for defendant No.1(c) submits no objections to IA No.26 to 28. Perused IA and affidavit and same are allowed in the interest of justice and equity.

Lrs of defendant No.1 are brought on record. Call on for amendment and amended plaint by 13.02.2023

ASCJ, SRIRANGAPATNA

MISC 15/2021

Sri. KK advocate for petitioner filed examination in chief of PW1 by way of affidavit. Ex.P.1 and 2 are got marked. Call on for further chief of PW1 by 06.03.2023

ASCJ, SRIRANGAPATNA

OS 124/2019

Smt. YJ advocate for plaintiff filed examination in chief of PW1 by way of affidavit. Call on for further chief of PW1 by 09.03.2023

ASCJ, SRIRANGAPATNA

RA 2/2023

Respondent No.5 called out. Absent. Reissue notice to respondent No.1 to 5 through RPAD. R/by 23.03.2023

ASCJ, SRIRANGAPATNA

EX 105/2022

Reissue attachment warrant of movables of Jdr. R/by 09.03.2023

ASCJ, SRIRANGAPATNA

EX 83/2019

Cause notice to Jdr No.1 is duly served. Called out. Absent. Issue attachment warrant of movables of Jdr's if PF is paid and D amount is deposited. R/by 16.03.2023

ASCJ, SRIRANGAPATNA

EX 3/2017

Reissue attachment warrant of movables of Jdr if PF is paid and D amount is deposited by 29.03.2023

ASCJ, SRIRANGAPATNA

EX 125/2016

Reissue arrest warrant against the Jdr. R/by 14.03.2023

ASCJ, SRIRANGAPATNA

MISC 20/2019

Reissue notice to respondent No.7 if PF is paid. R/by 15.03.2023

ASCJ, SRIRANGAPATNA

MVC 1143/2022, 1269/2022

Petitioner evidence by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 588/2022

Respondent No.1 called out. Absent. Service of notice held sufficient. Placed exparte. Call on for petitioner evidence by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 65/2022

Reissue notice to respondent No.1 rough RPAD. R/by 17.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1353/2021

Petitioner evidence finally by 08.03.2023

ASCJ & JMFC, SRIRANGAPATNA

MVC 1276/2021

Petitioner evidence finally by 08.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 565/2021

PW1 and 2 are absent. Prays time. Call on for cross of PW1 and 2 by 24.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 435/2021

Issue hand summons to the doctor as prayed for. Call on for further petitioner evidence by 08.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1165/2020, 517/2021, 359/2022, 445/2022, EX 120/2021, MVC 446/2022, 447/2022

Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1631/2019

Await commissioner report by 23.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 289/2019

To hear on maintainability of petition by 17.02.2023

ASCJ & MACT, SRIRANGAPATNA

FDP 15/2020

Await commissioner report by 21.03.2023

ASCJ, SRIRANGAPATNA

OS 58/2022

Plaintiff evidence finally by 06.03.2023

ASCJ, SRIRANGAPATNA

OS 40/2022

Defendant No.5 called out. Absent. Placed exparte. Call on for settlement as u/s 89 of CPC by 24.02.2023

ASCJ, SRIRANGAPATNA

OS 142/2021

To hear on IA by 20.02.2023

ASCJ, SRIRANGAPATNA

OS 136/2021

Sri. SK advocate for plaintiff filed an examination in chief of PW1 by way of affidavit. Ex.P.1 to P.15 are got marked. Cross examination is taken as nil. Call on for further plaintiff evidence by 08.03.2023

ASCJ, SRIRANGAPATNA

OS 94/2021

PW1 present. Cross of PW1 by 23.02.2023

ASCJ, SRIRANGAPATNA

OS 44/2021

Plaintiff evidence finally by 02.03.2023

ASCJ, SRIRANGAPATNA

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Appellants called out. Absent. Kept by

RA 12/2019: 08.02.2023

Again at 1.45 p.m. case is called out. Counsel for respondent is present. Perused order sheet. Sri. NP advocate for appellant was filed memo along with copy of retirement notice and RPAD receipts on 12.12.2022, after accepting the memo this court has issued court notice to the appellants. The said notice to appellant are duly served on respondent No.2 to 4 and respondent No.5 was absent. After service of notice to the appellant No.1 to 4 they have not appeared before this court, which shows that the appellants have not interested to proceed with the case against the respondents. Hence, appeal is dismissed for default.

ASCJ, SRIRANGAPATNA

MVC 1108/2021

Additional issues framed. Call on for further chief of PW1 by 03.03.2023

ASCJ & MACT, SRIRANGAPATNA

EX. 189/2022

Sri. BK advocate for Dhr filed IA No.1 u/s 224 of K.C.R.P. for appointment of special process server to execute decree.

Heard Sri. BK advocate for decree holder on IA No.1. It appears that the decree holder has sought for issue of Attachment of Warrant for Movables of Jdr for execution. It appears that this Court has issued notices to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the Dhr to take steps by attachment movables of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 1 is allowed. Special ameen charges is fixed for Rs. 500/-.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 08.03.2023

ASCJ, SRIRANGAPATNA

OS 72/2020

Heard arguments on application u/s 151 of CPC filed by the plaintiff.

Perused IA and same is allowed. The plaintiff is permitted to deposit the balance sale consideration amount of Rs.7,000/-.

ASCJ, SRIRANGAPATNA

Sri. MKS advocate of petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NKS advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by

28.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 96/2023

Reissue notice to respondents through RPAD. R/by 16.03.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 1765/2019

Sri. DCG advocate for petitioner filed IA No.3 u/o 7 rule 14(3) of CPC seeking permission to produce list with documents by condoning the delay and along with list with one document. Perused IA and same is allowed. And list with documents taken as on record. PW1 present. Ex.P.23 is got marked. Call on for cross examination of PW1 by 28.02.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 1391/2020

Reissue notice to respondents through RPAD if PF is paid. R/by 23.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1612/2022, 1613/2022, 1614/2022 & 1620/2022

Sri. KPK advocate filed power for respondent No.2. Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 113/2023

Reissue notice to respondents through RPAD. R/by 23.03.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC 510/2020

Sri. DPK advocate for petitioner filed examination in chief of PW1 by way of affidavit. Ex.P.1 to 11 are got marked. Cross examination taken as nil. Call on for further petitioner evidence by 06.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1398/2019

Sri. KNP advocate for petitioner No.2 filed IA No.5 u/s 151 of CPC seeking re-open the case from the stage of respondent evidence. Perused IA and affidavit and same is allowed and case is re-opened. Sri. KNP advocate for petitioner No.2 filed examination in chief of PW2 by way of affidavit. Ex.P.10 to 12 are got marked. Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2050/2019

Sri. MGP advocate for petitioner filed examination in chief of PW1 by way of affidavit. Ex.P.1 to 11 are got marked. Call on for cross examination of PW1 by 10.02.2023

ASCJ & MACT, SRIRANGAPATNA

OS 28/2023

Issue emergent notice on IA No.1 and suit summons to defendants. R/by 20.02.2023

ASCJ, SRIRANGAPATNA

MVC 112/2023

Await process by 01.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 109/2023

Reissue notice to respondents if PF is paid. R/by 06.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 85/2023, 90/2023

Await process by 22.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1529/2022

Sri. SJD advocate undertakes for respondent No.2.

Reissue notice to respondent No.1 and vakalath and written statement of respondent No.2 by 21.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 26/2022

Sri. LHR advocate filed power for respondent. Call on for written statement of respondent by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1296/2021

Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1061/2021

Respondent No.1 and their counsels called out. Absent. Hence, objections taken as not filed. Reissue notice to respondent No.2 through RPAD. R/by 15.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 621/2021

Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2287/2019

Sri. MNN advocate for petitioner reported the death of petitioner by filing memo. Call on for steps by 13.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 764/2019

PW1 absent. Prays time. Finally for further chief of PW1 by 15.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1586/2017

Sri. YJ advocate for petitioner filed IA No.9 u/o 6 rule 17 of CPC seeking permission to amend the petition. Call on for objection to IA No.9 by 21.02.2023

ASCJ & MACT,
SRIRANGAPATNA

EX 112/2020

Reissue cause notice to Jdr through RPAD if PF is paid. R/by 28.03.2023

ASCJ, SRIRANGAPATNA

MISC 10/2021

Reissue notice to respondent No.3 through RPAD. R/by 09.03.2023

ASCJ, SRIRANGAPATNA

MISC 8/2020

Respondent No.2(b) and (c) called out. Absent. Placed exparte. Await notice of respondent No.1 by 06.03.2023

ASCJ, SRIRANGAPATNA

RA 42/2022

Case called out. Counsel for appellant and respondent No.2 to 7 and 9(b) are present.

Respondent No.8, 9(a), (c), 11 and 13(c) called out. Absent. Call on for steps by to respondent No.13(a) by 16.03.2023

ASCJ, SRIRANGAPATNA

RA 40/2022

Reissue notice to respondent No.6(b) and await process of respondent No.13 and 14 by 16.03.2023

ASCJ, SRIRANGAPATNA

OS 192/2022

Sri. SSP advocate for plaintiff filed memo for extension of TI. Perused memo and same is accepted TI is extended till appearance of defendants. Reissue emergent notice on IA No.1 and suit summons to defendant No.1 if PF is paid. Call on for await process by 16.03.2023

ASCJ, SRIRANGAPATNA

Sri. NVR advocate for defendant No.10. Prays time file written statement, there is no grounds. Prayer is rejected and written statement of defendant No.10 taken as not filed. Reissue SS to defendant No.1, 5, 7 to 9 through RPAD if PF is paid and await process of other defendants by 21.03.2023

ASCJ, SRIRANGAPATNA

OS 120/2022

Plaintiff evidence by 06.03.2023

ASCJ, SRIRANGAPATNA

OS 98/2022

Plaintiff evidence by 06.03.2023

ASCJ, SRIRANGAPATNA

OS 160/2021

Plaintiff evidence by 22.02.2023

ASCJ, SRIRANGAPATNA

OS 156/2021

Sri. KK advocate for defendant No.3 filed IA No.2 u/s 148 of CPC seeking adjournment to file written statement of defendant No.3. Perused IA and same is allowed.

Reissue SS to defendant No.1, 2, 4 and 5 if PF is paid and call on for written statement of defendant No.3 by 27.02.2023

ASCJ, SRIRANGAPATNA

OS 148/2021

Plaintiff evidence finally by 20.02.2023

ASCJ, SRIRANGAPATNA

OS 138/2021

Heard arguments on IA No.3. Perused IA and affidavit and same is allowed in the interest of justice and equity. Call on for amendment and amended plaint by 16.02.2023

ASCJ, SRIRANGAPATNA

OS 80/2021

Sri. MBS advocate for plaintiff filed IA No.5 u/o 6 Rule 17 of CPC and along with list with documents. Call on for objection to IA No.5 by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 70/2021

Proposed defendant No.1 called out. Absent. Reissue notice to proposed defendant No.2 through RPAD if PF is paid. R/by 16.03.2023

ASCJ, SRIRANGAPATNA

OS 68/2021

Plaintiff evidence by 02.03.2023

ASCJ, SRIRANGAPATNA

OS 16/2021 & 18/2021

Cross of PW1 by 23.02.2023

ASCJ, SRIRANGAPATNA

OS 6/2021

Plaintiff evidence by 01.03.2023

ASCJ, SRIRANGAPATNA

OS 138/2019

Plaintiff evidence by 22.02.2023

ASCJ, SRIRANGAPATNA

OS 136/2019

Further plaintiff evidence last chance by 22.02.2023

ASCJ, SRIRANGAPATNA

OS 82/2019

Cross of PW1 by 15.02.2023

ASCJ, SRIRANGAPATNA

OS 70/2019

Case is referred to Lok Adalath on 11.02.2023

ASCJ, SRIRANGAPATNA

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07.02.2023: MVC 1290/2019

Petitioner absent.

Sri. GSN advocate for petitioner submits that the petitioner is not come forward and not give instructions to taken steps against the respondent No.1. Hence, prayer may be noted and necessary orders may be passed.

Perused the order sheet, the petitioner has filed this petition on 24.07.2019 and so many times issue process against the respondent No.1 but the petitioner is not complied the same. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & JMFC, SRIRANGAPATNA

RA 4/2020

Case called out. Both parties and their counsels are called out. Absent.

Perused order sheet, after given sufficient opportunities to the respondents, they did not filed objection to IA No.1.

Perused IA and affidavit and same is allowed with cost of Rs.300/- and delay is condoned.

Call on for Lcr by 27.02.2023

ASCJ, SRIRANGAPATNA

MVC 485/2020

Sri. NMM advocate for petitioner return the hand summons with memo. Reissue SS to witness through RPAD as prayed for. Call on for further petitioner evidence by 27.02.2023

ASCJ & JMFC, SRIRANGAPATNA

MVC 62/2023, 63/2023

Reissue notice to respondents through RPAD. R/by 08.03.2023

ASCJ & JMFC, SRIRANGAPATNA

MVC 378/2021

Sri. KMB advocate for petitioner filed examination in chief of PW1 by way of affidavit. Ex.P.1 to 10 are got marked. Call on for further chief of PW1 by 21.02.2023

ASCJ & JMFC, SRIRANGAPATNA

MVC 1474/2018

PW1 absent. Prays time. Call on for cross of PW1 by 15.02.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. MKS advocate for respondent No.3 submits no respondent evidence. Hence, respondent evidence is closed. Heard arguments. Judgment by 20.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1489/2022

Respondent No.1 called out. Absent. Placed exparte.

Sri. SS advocate to undertakes for respondent No.2. Call on for vakalath and written statement of respondent No.2. call on for 10.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1367/2022

Respondent No.1 called out. Absent. Placed exparte.

Sri. SS advocate filed power for respondent No.2. Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1065/2022

Written statement of respondent No.2 taken as not filed. Call on for petitioner evidence by 06.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 902/2022, 1000/2022

Case is referred to Lok Adalalth on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 866/2022

Respondent No.2 called out. Absent. Placed exparte. Sri. SJD advocate for respondent No.2 filed vakalath and written statement of respondent No.2. Issues framed. Call on for petitioner evidence by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 735/2022

Written statement of respondent No.2 taken as not filed. Call on for petitioner evidence by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 626/2022

Await process of respondent No.1 by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1067/2021

PW1 absent. Prays time. Call on for cross of PW1 by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 426/2020

Notice is duly served on respondent No.3. called out. Absent. Placed exparte. Call on for further chief of PW1 by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1591/2019

Case called out. Counsel for respondent No.2 is present. PW1 and their counsel are absent. To keep present the PW1 on next date of hearing. Call on for cross of PW1 by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1391/2019

Call on for petitioner evidence finally and last chance by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1321/2019

Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1050/2019

Sri. GSN advocate for petitioner prays time petitioner evidence. Time granted. Call on for petitioner evidence by 13.02.2023

ASCJ & MACT,
SRIRANGAPATNA

MVC series cases

Respondent evidence by 17.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 959/2018

Reissue hand summons to the doctor as prayed for. Call on for further petitioner evidence by 10.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 122/2022

Sri. MPG advocate for defendants filed written statement of defendant No.1 and also filed memo to adopt the same by defendant No.2 to 4. Perused memo and same is accepted. Case is referred to Lok Adalath on 11.02.2023

ASCJ, SRIRANGAPATNA

OS 78/2022

Summons is duly served on defendants. Called out. Absent. Placed exparte. Call on for plaintiff evidence by 20.02.2023

ASCJ, SRIRANGAPATNA

OS 14/2022

Plaintiff absent. Sri. CRS advocate for plaintiff prays time. Time granted. Call on for plaintiff evidence by 15.02.2023

ASCJ, SRIRANGAPATNA

OS 6/2022

Plaintiff absent. Sri. IKR advocate for plaintiff prays time. Time granted. Call on for plaintiff evidence by 15.02.2023

ASCJ, SRIRANGAPATNA

OS 134/2021

Call on to hear of on IA No.2 by 20.02.2023

ASCJ, SRIRANGAPATNA

OS 118/2021

Reissue SS to witnesses as prayed for. R/by 21.02.2023

ASCJ, SRIRANGAPATNA

OS 60/2021

Call on for cross of PW1 by 21.02.2023

ASCJ, SRIRANGAPATNA

OS 48/2021

Call on for cross of PW1 by 17.02.2023

ASCJ, SRIRANGAPATNA

OS 46/2021

Call on for cross of PW1 by 15.02.2023

ASCJ, SRIRANGAPATNA

OS 124/2019

Call on for plaintiff evidence finally and last chance by 09.02.2023

ASCJ, SRIRANGAPATNA

OS 74/2019

Defendant evidence taken as nil. Call on for arguments by 13.02.2023

ASCJ, SRIRANGAPATNA

OS 110/2019

Call on for further chief of DW1 finally by 13.02.2023

ASCJ, SRIRANGAPATNA

OS 120/2018

Call on for objections to IA No.2 finally by 22.02.2023

ASCJ, SRIRANGAPATNA

OS 104/2017

Sri. AK advocate for plaintiff filed amended plaint. Call on for plaintiff evidence by 16.02.2023

ASCJ, SRIRANGAPATNA

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EX 140/2014: 12.01.2023

Case is called out. No representation, after service of court notice to Dhr, the Dhr is not come forward and steps not taken. It shows that, the Dhr is not interested to proceed with the case against the Jdr. Hence, execution petition is dismissed as non prosecution.

ASCJ, SRIRANGAPATNA

RA 14/2021: 12.01.2023

Sri. CSV advocate for appellant filed memo stating that appeal may be dismissed as not pressed.

In view of the memo field by the appellant appeal is dismissed as not pressed.

ASCJ, SRIRANGAPTNA

Call on for respondent evidence by 01.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 938/2017

Sri. SM advocate for petitioner filed examination in chief of PW4 and 5 by way of affidavit. Ex.P.31 to 37 are got marked. Fully cross examined. Further petitioner closed. Call on for respondent evidence by 01.02.2023

ASCJ & MACT, SRIRANGAPATNA

OS 48/2022

Sri. NP advocate for Lrs of defendant No.2 and defendant No.4 filed IA No.3 u/s 151 of CPC seeking permission to file written statement of Lrs of defendant No.2 and defendant No.4.

On the other hand Sri. KSM advocate for plaintiff submits that IA No.3 filed by the Lrs of defendant No.2 and defendant No.4 may be allowed. Perused IA and affidavit and same is allowed and written statement of Lrs of defendant No.2 and defendant No.4 is taken on record. Call on for compliance of u/s 89 of CPC 23.01.2023

ASCJ, SRIRANGAPATNA

Sri. GKP advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. SDS advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.2 by 31.01.2023

ASCJ & MACT, SRIRANGAPATNA

RA 12/2020

Sri. GD advocate for appellant filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the appellant is permitted to take sub service against R-1 by way of paper publication.

Sri. GD advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Appellant is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 22.01.2023 and direct respondent No.1 to appear before this Court on 27.02.2023.

Sri. GD advocate for appellant undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 27.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. GPJ advocate of petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SJD advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 17.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. DPK advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. DPK advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 23.01.2023 and direct respondent No.1 to appear before this Court on 28.02.2023.

Sri. DPK advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 and written statement of respondent No.2 by 28.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MISC 17/2017

Issue court notice to respondent No.3. R/by 06.02.2023

ASCJ, SRIRANGAPATNA

MVC 409/2022

Sri. DPK advocate for petitioner filed IA No.2 u/o 7 rule 14 (3) of CPC seeking permission to list with documents and along with 5 documents. Perused IA and same is allowed and list with documents taken as on record. And also filed examination in chief of PW1 by way of affidavit. Case is referred to Lok Adalalth on

ASCJ & MACT, SRIRANGAPATNA

EX 21/2019

Steps by 30.01.2023

ASCJ, SRIRANGAPANTA

MVC 512/2020

Sri.NS advocate for petitioner filed IA No.5 u/i 7 rule 14(3) of CPC seeking permission to produce list with documents by condoning the delay and along with list with documents. Perused IA and same is allowed. List with documents taken as on record.

And also filed examination in chief of PW1 by way of affidavit. Ex.P.1 to 15 are got marked. Call on for cross examination of PW1 by 06.02.2023

ASCJ & MACT, SRIRANGAPANTA

EX 97/2020, 9/2021

Case is referred to Lok Adalalth on 11.02.2023

ASCJ, SRIRANGAPANTA

EX 91/2017

Call on for await process by 07.02.2023

ASCJ, SRIRANGAPTNA

MA 8/2022

Sri. SSP advocate for appellant filed memo along with documents. Call on for arguments by 23.01.2023

ASCJ, SRIRANGAPANTA

MVC 1060/2022

Case is referred to Lok adalalth on 11.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 999/2022

Call on for petitioner evidence by 06.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 812/2022

Steps by 31.01.2023

ASCJ MACT, SRIRANGAPANTA

MVC 747/2022

Case called out. No representation. Finally for petitioner evidence by 16.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 292/2022

Reissue notice to respondent No.1 through RPAD. R/by 28.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 140/2022

Court order not complied. Call on for steps by 18.03.2023

ASCJ MACT, SRIRANGAPANTA

MVC 1234/2020, 1235/2020, 1236/2020

Case is referred to Lok Adalalth on 11.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 686/2020

Case called out. No representation. Finally and last chance for petitioner evidence by 03.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 242/2020

Case called out. No representation. Finally for petitioner evidence by 04.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 1822/2019, 2058/2019

Respondent evidence finally by 02.02.2023

ASCJ MACT, SRIRANGAPANTA

MVC 1280/2019

Further petitioner evidence finally and last chance by 03.02.2023

ASCJ MACT, SRIRANGAPANTA

OS 180/2022

Sri. PG advocate for defendant No.11 prays time to file written statement. Prayer is rejected. Written statement of defendant No.11 taken as not filed. Reissue defendant No.5 and await process of defendant No.10 by 02.03.2023

ASCJ, SRIRANGAPANTA

OS 172/2022

Sri. SB advocate filed memo of undertaking for defendant. Call on for vakalalth, written statement and objections by 20.02.2023

ASCJ, SRIRANGAPANTA

OS 152/2022

Written statement of defendant No.3 taken as not filed. Call on for await process of defendant No.1 and 2 by 04.02.2023

ASCJ, SRIRANGAPANTA

OS 100/2022

Call on for steps by 15.02.2023

ASCJ, SRIRANGAPANTA

OS 138/2021

Notice is duly served on proposed defendant No.2. Called out. Absent. Objections taken as not filed. Call on to hear on IA No.3 by 08.02.2023

ASCJ, SRIRANGAPANTA

OS 80/2021

Sri. MBS advocate for plaintiff prays time for further chief of PW1. Time granted on cost of Rs.200/- Call on for further chief of PW1 by 08.02.2023

ASCJ, SRIRANGAPANTA

OS 26/2021

Case called out. No representation. Call on for plaintiff evidence finally and last chance by 09.02.2023

ASCJ, SRIRANGAPANTA

OS 90/2020

Sri. DRN advocate for plaintiff prays time for further chief of PW1. There is no grounds. Further chief of PW1 is closed. Call on for cross of PW1 by 15.02.2023

ASCJ, SRIRANGAPANTA

OS 58/2018

Sri. YNM advocate filed vakalalth for plaintiff along with no objections. Case is referred to Lok Adalalth on 11.02.2023

ASCJ, SRIRANGAPATNA

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FDP 22/2022

- The petition is allowed with cost.

- The office is directed to drawn final decree in terms of preliminary decree passed by this court in O.S.122/2016 against the respondents in respect of the suit schedule property.

MVC 1442/2022

Respondent No.1 called out. Absent. Placed exparte.

Sri. PAS advocate filed memo of appearance for respondent No.2. Call on for vakalath and written statement of respondent No.2 by 10.02.2023

ASCJ & MACT, SRIRANGAPATNA

RA 12/2021

Perused order sheet, the appellant has preferred an appeal on the file of Prl. Civil Judge, Srirangapatna in OS No.339/2019. Later Lcr received by this court on 17.12.2021. Hence, to hear on IA No.1 does not arise at all. Hence, IA No.1 is to be considered on merits. Call on for arguments on merits by 23.01.2023

ASCJ, SRIRANGAPATNA

RA 16/2022

Issue notice to Lrs of appellant No.1 on IA No.1 through hand of appellant No.1(b) if PF is paid. R/by 27.01.2023

ASCJ, SRIRANGAPATNA

Sri. NMM advocate for petitioner filed IA No.5 u/s 151 of CPC seeking reopen the case from the stage of respondent evidence and also filed IA No.6. U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SEL advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 and 6 are allowed. Consequently, case is reopened and commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 17.02.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 80/2015

Sri. DL advocate for plaintiff field IA No.15 and u/o 16 rule 1 and 2 seeking permission to file list of witness by condoning the delay and along with witness list. Perused IA and affidavit and same is allowed with cost of Rs.100/- witness is taken as on record. Call on for further evidence of plaintiff by 12.01.2023

ASCJ, SRIRANGAPATNA

MVC 1008/2019

Sri. MKS advocate for petitioner filed IA No.2 u/o 22 rule 3 of CPC to bring the Lrs of petitioner No.2, IA No.3 u/o 22 rule 9 of CPC for abatement set aside and also filed IA No.4 Sec.5 of Limitation Act and Death Certificate of petitioner No.2.

On the other hand Sri. SCK advocate for respondent No.2 submits no objection to IA No.2 to 4. Perused IA's and affidavits and same are allowed in the interest of justice and equity.

And also filed IA No.5 u/o 6 rule 17 of CPC seeking permission to amend the petition. Call on for objections to IA No.5 and amendment and amended petition by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

OS 96/2019

Sri. NVN advocate for defendant No.1 and 2 filed IA No.5 u/s 151 of CPC seeking permission to written statement of defendant No.1 and 2 and along with written statement of defendant No.1 and 2.

On the other hand Sri. BRT advocate for plaintiff submits that IA No.5 filed by the defendant No.1 and 2 may be allowed with heavy cost.

Perused IA and affidavit and same is allowed with cost of Rs.1,500/-. Call on for compliance os u/s 89 of CPC by 15.02.2023

ASCJ, SRIRANGAPATNA

O.S.98/2017

Call on for written statement of Defendant No.28 finally and last chance by 30.01.2023.

ASCJ, S.R.Patna.

O.S.150/2018

DW.1 absent. Prays time call on for DW.1 by 01.02.2023.

ASCJ, S.R.Patna.

O.S.156/2018

PW.1 absent. Sri.L.V. adv. For plaintiff prays time, time granted. To keep present on next date of hearing. For cross of PW.1 by 02.02.2023.

ASCJ, S.R.Patna.

O.S.68/2019

Reissue SS to defendant No.2. R/by 15.02.2023.

ASCJ, S.R.Patna.

O.S.88/2020

Case called out, plaintiff and their counsel are absent. Sri.SSP adv for defendant No.17 and 18 is present. Reissue SS to df N.12 and 15 through RPAD. If PF is paid. R/by 15.03.2023.

ASCJ, S.R.Patna.

O.S.150/2021

Await process of df No.3 by 04.02.2023

ASCJ, S.R.Patna.

O.S.34/2022

Heard argument. Perused I.A. and affidavit and same is allowed. The proposed df No.16 made a party as df No.16. Call on for amendment and amended plaint by 31.01.2023.

ASCJ, S.R.Patna.

O.S.136/2022

Reissue SS to defendant No.5 if furnished correct address and Pf is paid. R/by 03.03.2023.

ASCJ & MACT, SRIRANGAPATNA

O.S.156/2022

Reissue SS to remaining through RPAD if PF is paid. R/by 09.03.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1327/2018

PW.1 absent. Prays time. Time granted. For cross examination of PW.1. by 15.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1048/2019

Sri.PAS adv for R.3 prays time, time granted. Finally for respondent evidence by 01.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.749/2020

Case is referred to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.990/2020

Case is referred to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1599/2020

Await commissioner report. By 04.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.113/2021

Case is referred to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.725/2021

Case is referred to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.864/2021

Sri.D.N., Adv. File power of R.1. Call on for written statement of R.1. and case is refer to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.894/2022

Case is referred to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1243/2022

Await process of R.1 by 31.01.2023.

ASCJ & MACT, SRIRANGAPATNA

Ex.1/2019

Issue court notice to DHR and their counsel. Call on 07.02.2023.

ASCJ, SRIRANGAPATNA

Ex.167/2019

Reissue arrest warrant against JDR if PF is paid and DE amount is deposited. R/by 16.02.2023.

ASCJ, SRIRANGAPATNA

Ex.40/2022

Sri.NN adv. for JDR paid Rs.5,000/-. Case is refer to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Ex.155/2022

Cause notice is duly served on JDR. Called out absent. Service of cause notice held sufficient.

Issue attachment warrant of movables of JDR if PF is paid and necessary charges is deposited. R/by 28.02.2023.

ASCJ, SRIRANGAPATNA

Ex.180/2022

Reissue cause notice to JDR through RPAD. R/by 28.02.2023.

ASCJ, SRIRANGAPATNA

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MVC 256/2020:10.01.2023

Sri. APN advocate for petitioner submits that the petitioner is interested to proceed with the case against the respondent. Hence, petition may be dismissed as not pressed.

In view of the submission made by the petitioner petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

MVC 470/2019

Arguments by 24.01.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. NSS advocate for R-2 filed IA No.4 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Sri. MGP advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 4 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1 Hence, IA 4 is allowed. R-2 is permitted to take defense.

PW1 present. Fully cross examined by Sri. VV advocate for R-2.

Sri. MGP advocate for petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of petitioner.

On the other hand of Sri. SEL advocate for respondent No.2 submits that IA No.5 filed by the petitioner may be allowed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for his examination as he is unable to appear before the court due to grievous injuries. Since the petitioner is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently,

Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and evidence of petitioner, by 17.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 135/2021: 10.01.2023

Sri. SMC advocate for petitioner filed IA No.3 U/o 16 rule 1 and 6 r/w 151 of CPC along with affidavit for issue of summons to Dr. Karunakar, Orthopedic Surgeon, Nagarajegowda Memorial Hospital, Mysore to produce documents and give evidence.

On the other hand Sri. SJD advocate for R-2 submits no objection. Heard arguments and perused record, IA and accompanied affidavit. It appears that the petitioner has sought for issue of summons to Dr. Karunakar, Orthopedic Surgeon, Nagarajegowda Memorial Hospital, Mysore to produce document pertaining to treatment taken by petitioner for injuries sustained in the accident for which the petitioner has sought for compensation. Hence, having regard to the facts and circumstances of the case I am of the opinion that it is a fit case to issue summons to Dr. Karunakar, Orthopedic Surgeon, Nagarajegowda Memorial Hospital, Mysore to produce documents give evidence for adjudication of matter in dispute. Hence, IA is allowed. PF paid.

Issue summons to witness and produce documents as sought for in the application to this Court by next date of hearing. Call on for further petitioner evidence by 15.02.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. GPJ advocate of petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SJD advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 17.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. MGP advocate of petitioner filed IA No.1 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. KPK advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 1 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 16.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 888/2021

Sri. RL advocate for respondent No.1 filed IA No.3 U/s 151 of CPC seeking permission to file objection statement of respondent No.1 along with Objection statement of respondent No.1 and in connection with affidavit and documents.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.1 taken as on record.

Call on for issues by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 383/2022: 10.01.2023

Sri. GKP advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. SDS advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.2 by 31.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1237/2022: 10.01.2023

Sri. NP advocate for respondent No.2 filed IA No.1 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

On the other hand Sri. HRKG advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 1 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 1 is allowed. R-2 is permitted to take defense and written statement of respondent No.2 taken as on record.

Call on for issues by 16.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1788/2019: 10.01.2023

Sri. ANK advocate for petitioner filed IA No.2 U/o 16 rule 6 R/w Sec. 151 of CPC along with memorandum of facts for issue of summons to Dr.Mahendra Kumar, Institute of Medical and Science Hospital, Mandya, to produce documents pertaining to the injured petitioner by name Santhosh Kumar.

Sri. KPK advocate for petitioner submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to Dr.Mahendra Kumar, Institute of Medical and Science Hospital, Mandya, to produce documents pertaining to the injured petitioner by name Santhosh Kumar.

Call on for further petitioner evidence by 15.02.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. ANK advocate of petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. KPK advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. ANK advocate for petitioner suggests name of Sri. CKP advocate as Commissioner for examination of petitioner.

Sri. CKP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CKP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ANK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 16.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 822/2022: 10.01.2023

Sri. MSV advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath and Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. NVR advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 31.01.2023

ASCJ & MACT, SRIRANGAPATNA

EX 3/2017

Issue attachment warrant of movables of Jdr if PF is paid. R/by 09.02.2023

ASCJ, SRIRANGAPATNA

MVC 1039/2020

Sri. KLS advocate for respondent No.2 filed examination in chief of RW1 by way of affidavit. Ex.R.1 is got examined. Fully cross examined. Further respondent evidence closed. Call on for arguments by 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1722/2018

Sri. KLS advocate for respondent No.2 filed examination in chief of RW1 by way of affidavit. Ex.R.1 to 8 are got marked. Fully cross examined. Call on for further respondent evidence by 24.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2301/2019

Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1383/2020

Sri. MGP advocate for petitioner field examination in chief of PW1 by way of affidavit. Ex.P.1 to P. 9 are got marked. Call on for cross examination of PW1 by 24.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1285/2019

Sri. CKS advocate for petitioner field IA No.5 u/o 7 rule 14 (3) of CPC seeking permission to produce list with documents by condoning the delay and along with list with one document. Perused IA and same is allowed and list with documents taken as on record.

And also filed examination in chief of PW1 by way of affidavit. Ex.P.1 to P11 are got marked. Call on for cross examination of PW1 by 08.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1834/2019

Sri. CMP advocate for petitioner field IA No.2 u/o 7 rule 14 (3) of CPC seeking permission to produce list with documents by condoning the delay and along with list with one document. Perused IA and same is allowed and list with documents taken as on record.

PW1 present. Ex.P.11 is got marked. Call on for cross examination of PW1 by 03.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 753/2020

Sri. MGP advocate for petitioner filed list with documents and got marked as Ex.P.1 to P.7. Call on for further chief of PW1 by 07.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 277/2019

Sri. MGP advocate filed examination in chief of PW1 by way of affidavit. Ex.P.1 to P.8 are got marked. Cross examination is taken as nil. Call on for further petitioner evidence by 07.02.2023

MVC 428/2018

Sri. SP advocate filed power for respondent No.2. Call on for written statement of respondent No.2 and steps to respondent No.1 by 07.03.2023

ASCJ, SRIRANTAPATNA

MVC 352/2019

Sri. MNM advocate filed examination in chief of PW1 by way of affidavit. Call on for further chief of PW1 by 02.02.2023

ASCJ & MACT, SRIRANTAPATNA

OS 26/2020

Case is refer to Lok-Adalath on 11.02.2013.

ASCJ, SRIRANTAPATNA

O.S.112/2019

Case is refer to Lok-Adalath on 11.02.2013.

ASCJ, SRIRANTAPATNA

O.S.36/2020

Await notice. By 31.01.2023.

ASCJ, SRIRANTAPATNA

O.S.162/2021

Sri.DRN adv for D.1. Prays time for objection. Finally and last chance by 13.01.2023.

ASCJ, SRIRANGAPATNA

O.S.8/2022

Await notice of defendant No.6. By 01.02.2023.

ASCJ, SRIRANGAPATNA

O.S.106/2022

Case Called out. No representation. Finally for plaintiff evidence. By 02.02.2023.

ASCJ, SRIRANTAPATNA

O.S.176/2022

Case Called out. Df No.1 to 5 and 7 and 8 are absent, no representation. Hence written statement of defendant No.1 to 5 and 7 and 8 taken as not filed.

Reissue SS to defendant No.6 and 9 through RPAd. R/by 07.03.2023.

ASCJ, SRIRANGAPATNA

RA.64/2022

Await process By 01.02.2023.

ASCJ, SRIRANGAPATNA

MVC.924/2011

Case Called out. Counsel for petitioner is present. PW.2 is absent, prays time. Call on for cross examination of PW.2. By 24.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.799/2018 and 800/2018

Call on for await commissioner report by 01.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Further chief of PW.1 finally. By 06.02.2023.

ASCJ & MACT, SRIRANGAPATNA

petitioner evidence last chance. By 06.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1050/2019

Petitioner evidence finally. By 07.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.2212/2019

Further petitioner evidence. By 21.01.2023.

ASCJ & MACT, SRIRANGAPATNA

further chief of PW.1. Last chance by 14.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC.2305/2019

Heard argument on IA.No.4. Call on for orders. By 01.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.111/2020

Sri.GKP advocate Filed power for R.2. Case is refer to Lok-Adalath. 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.260/2020

Sri.NMM, Adv prays time for petitioner evidence. Time granted. Finally for petitioner evidence by 13.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.266/2020 and 265/2020

Await commissioner report. By 04.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.310/2020

Sri.NMM, Adv ptr submits not objection to allow I.A.No.1 filed by the R.2/ Perused I.A. and affidavit and same is allowed and additional objection taken as on record. Call on for additional issued if any by 16.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.313/2020

Further petitioner evidence closed. Call on for respondent evidence., By 07.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.436/2020

R.1 called out absent, placed exparte.

Reissue notice to R.2 if P.F. is paid and furnished correct address. R/by 14.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.702/2020

Finally for respondent evidence. By 31.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.934/2020

Petitioner evidence finally by 04.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.912/2020

Case is referred to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1101/2020

PW.1 absent. Prays time. Call on for cross examination of PW1 by 14.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1226/2020, 1227, 1228,
1255/2020

Case is referred to Lok-Adalath. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1384/2020

RW.1 present, Sri.MGP advocate for petitioner prays time. Time granted. Call on for cross of RW.1 by 31.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1442/2020

Call on for further chief of PW.1 by 15.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC.1632/2020

Call on for cross of PW.1 by 24.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1529/2020

Call on for further petitioner evidence by 21.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.129/2021

Case is referred to Lok-Adalth. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.997/2021

Case is referred to Lok-Adalth. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1109/2021

Case is referred to Lok-Adalth. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1125/2021

Sri. DPK advocate for petitioner reported the death of petitioner No.3 by filing copy of Adhar card and death certificate. Perused the document of petitioner No.3 had died on 25.12.2021. Perused memo and same is accepted. Petitioner No.3 is deleted.

The counsel for petitioner is hereby directed to amend the cause title and amended petition by 31.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.1211/2021

Case is referred to Lok-Adalth. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.138/2022

Case is referred to Lok-Adalth. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.291/2022

Reissue notice to R.2 through RPAD. If PF is paid. R/by 28.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.342/2022

For petitioner evidence. By 14.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.400/2022

Case is refer to Lok-Adalth. By 11.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC.914/2022

Reissue notice to R.1 through RPAD.
R/by 07.03.2023.

MVC.1067/2022

Sri.GKP adv for r.2 prays time to file Written statement of R.2. Perused order sheet already sufficient opportunity has been given to R.2. Hence prayer is reject and Written statement of R.2 taken as not filed. Await process of R.1 by 14.02.2023.

ECA.2/2021

Sri.APN adv for ptr orally submits that, in this petition, ptr died. Hence prays time for steps. Call on for steps. By 08.03.2023.

Ex.4/2019

Re-issue attachment warrant of movables of JDR if PF is paid and necessary charges is deposited. R/by 08.03.2023.

Ex.1/2022

Re-issue attachment warrant of movables of JDR if PF is paid and necessary charges is deposited. R/by 28.02.2023.

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OS 60/2022

Sri. SSP advocate for defendant No.2, 3 and 6 filed IA No.4 u/s 151 of CPC seeking permission to file written statement of defendant No.2, 3 and 6 and along with adoption memo. Perused IA and same is allowed in the interest of justice and equity with cost of Rs.300/-. Written statement of defendant No.2, 3 and 6 is taken on record and adopt the same to the IA No.1. Case is referred to Lok Adalath on 11.02.2023

ASCJ, SRIRANGAPATNA

RA 52/2022

Sri. DRN advocate for appellant filed IA No.2 u/o 17 rule 1 and 2 of CPC seeking adjournment the above case from one month. Perused IA and same is allowed in the interest of justice and equity. Call on for arguments last chance by 04.02.2023

ASCJ, SRIRANGAPATNA

MVC 1257/2020: 09.01.2023

The petitioner No.1 has filed one affidavit stating that the petition may be dismissed for the purpose of double petitions are filed and he is proceed in MVC case pending before the Senior Civil Judge Court, Gundlupete on 07.12.2022. Today the counsel for petitioner is present and submits that the petitioner will proceed MVC case which is pending before the Gundlupete Court. Hence, petition may be dismissed as not pressed.

In view of the affidavit filed by the petitioner No.1 and submission made by the counsel for petitioners. The petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

MVC 1324/2018

Call on for further chief of PW1 by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

RA 28/2022

Reissue notice to respondent No.1 to 4 and 6 through RPAD. R/by 07.03.2023

ASCJ, SRIRANGAPATNA

OS 10/1997

Sri. MM advocate is present and return the plaint taken by him.

Office is directed to send the entire record to the Hon'ble Senior Civil Judge, Pandavapura today itself.

ASCJ, SRIRANGAPATNA

MVC 1718/2019

Sri. MGP advocate for petitioner filed examination in chief of PW1 by way of affidavit. Call on for further chief of PW1 by 14.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1631/2022

Reissue notice to respondent No.1 and 2 through RPAD if PF is paid and furnished RPAD Stamp with cover. R/by 21.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1594/2022

Respondent No.1 and 2 are called out. Absent. Placed exparte. Call on for petitioner evidence by 14.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1567/2022

Sri. SS advocate filed power for respondent No.2. Call on for await process of respondent No.1 and written statement of respondent No.2 by 10.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 163/2022

Petitioner evidence finally by 07.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1482/2020

Sri. PAS advocate for respondent No.2 pays time to file written statement. Time granted. Call on for written statement for respondent No.2 finally and last chance by 06.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 927/2020

Call on for objections last chance by 01.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 829/2020

Further petitioner evidence by 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 825/2020, 289/2021, 451/2021, 607/2022, 865/2022,

Case is referred to Lok Adalath on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 823/2020

Further petitioner evidence by 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 485/2020

Petitioner evidence by 07.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 479/2020

Case is referred to lok adalalth on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 435/2020

Reissue notice to respondent No.2 through RPAD if PF is paid and furnished address by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 432/2020

Written statement of Respondent No.1 taken as not filed. Call on for issued by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 399/2020

Case is referred to lok Adalalth on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 61/2020

Call on for petitioner evidence finally by 03.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2229/2019

Call on for respondent evidence finally by 31.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2228/2019

Call on for respondent evidence finally by 31.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1723/2019

Call on for await commissioner report by 14.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1399/2019

Call on for further chief of PW1 by 07.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 999/2019

Call on for await commissioner report by 08.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 875/2019

Call on for await commissioner report by 08.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 827/2019

Sri. SEL advocate filed court commissioner report. Further petitioner evidence closed. Call on for respondent evidence by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 107/2019

Case is referred to Lok Adalalth on 11.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1460/2018

Call on to hear on maintainability by 16.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 428/2018

Respondent No.2 called out. Present. Prays time to engage counsel. Call on 10.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 317/2018

Reissue bailable warrant against the witness with penalty of Rs.1,000/- if PF is paid. R/by 13.02.2023

ASCJ & MACT, SRIRANGAPATNA

OS 80/2016

Sri. MVS advocate for defendant No.4 filed IA No.13 u/s 151 of CPC seeking permission to file written statement of defendant No.4.

On the other hand Sri. BNG advocate for plaintiff submits that IA No.13 filed by the defendant No.4 may be allowed with heavy cost. Perused IA and affidavit and same is allowed with cost of Rs.3,000/- and written statement of defendant No.4 is taken on record. Call on for compliance of u/s 89 of CPC 23.01.2023

ASCJ, SRIRANGAPATNA

OS 56/2012

Call on for hearing by 29.03.2023

ASCJ, SRIRANGAPATNA

OS 22/2017: 09.01.2023

Orders on IA No.10

1. The application filed by the plaintiff u/o 6 rule 17 r/w Sec. 151 of CPC seeking pass an order for amendment as sought in the application for the reasons set out in the affidavit annexed to the application.

2. In the affidavit on oath the plaintiff has contended that, the plaintiff has filed this suit against the defendants for the specific performance of contract over the suit schedule property. But the plaintiff has not properly instructed through their counsel to prepare the plaint and also their counsels find out some of the basic typographical error in the plaint. The amendment as sought in the application is very essential to decide the matter on merits. The filing of application is only for bonafide reason and not unintentional one. If the application is not allowed it will leave the multiplicity of the proceedings. No injustice and hardship and damages caused to be other side. Hence, the plaintiff sought for allow the allowing application in the interest of justice and equity.

3. The defendant No.5 and 7 have filed objection and stating that, the application is not maintainable either in law or on facts. The suit filed by the plaintiff against the defendants for specific performance of contract over the suit schedule property. The present application is filed without any jurisdiction, to drag on the proceedings with an intention to harass to defendants. After cross examination is over. Now the plaintiff wants to amend the cause of action only to harass the defendants. All the reasons narrated in the affidavit are untrue, created and concocted by obtaining the relief from the hands of the court. When the case is posted for cross examination of DW1 after the commencement of the trail the plaintiff has come up with the present application. Hence, prays for dismissal of the application with cost.

4. On the basis of application and objection the point for consideration is,

> 1. Whether applicant/plaintiff has made out a ground to allow the present application for the reasons as set out in the affidavit at this stage ?
>
> 2. what order ?

5. My answer to the above said point are as follows:

Point No.1. In the affirmative.

Point No.2. As per the final order for the following:

REASONS

6. On perusal of the entire record along with pleadings it reflects that, the suit is one for specific performance of contract in respect of the suit schedule property. After filing the written statement, issues were framed then posted for plaintiff evidence. Plaintiff and his witnesses are examined and defendant has filed his examination in chief by way of affidavit, in the case was posted for cross examination of PW1 the present application is field. On perusal of the reasons stated in the affidavit in supporting of the application and schedule of the amendment mentioned in the application. Admitted the suit is one for specific performance of contract, the plaintiff wants to amendment in the plaint dates, amount, cause of action and prayer. The plaintiff has clearly narrated in the affidavit that he has not given proper instructions to their counsels at the time of prepare the plaint. It is the mistake of the plaintiff. This mistake is rectifiable one. If the amendment is allowed there is no changes of nature of suit and the defendants are at liberty to cross examination to the plaintiff as well as their witnesses. The amendment sought in the application it is nothing but a consequential relief. It is in no way change the cause of action, nature of the suit or take away the right already accrued to the defendants. On the other hand when it is posted for cross examination of DW1 by that time the plaintiff has come up with the present application. After the commencement of the trail the application is filed.

7. As per order 6 rule 7 of CPC the court may at any stage of proceedings allow either party alter or amend the pleadings in such manner and on such terms as may be just and all such amends shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. But embargo in the form of proviso it is clearly held that, no application for amendment shall be allowed after commencement of trail unless the court comes to conclusion that inspite of due diligence, the party could not have rise the matter before the commencement of the trail. The objection filed the defendant No.1 has raised that, only with an intention to drag the proceedings the present application is filed. But it is not acceptable. When it is posted for further evidence of plaintiff. The plaintiff has come up with the present application. The reasons for amendment as sought in the application properly narrated by the plaintiff. The plaintiff has made out a ground for allow the application. The amendment as sought in the application will not change the nature of the suit, cause action are take away right already accrued to the defendants. Apart from the above said discussion the plaintiff has come up with the application with commencement of trail with stage. In view of the above said discussion I answer, Point No.1. In the affirmative.

8. Point No.2. In view of above said discussion at point No.1, I proceed to pass the following,

ORDER

The IA No.10 filed by the plaintiff u/o 6 rule 17 r/w sec. 151 of CPC is hereby allowed with cost of Rs.1,000/-.

The plaintiff is hereby directed to carried out amendment in the plaint.

Call on for amendment and amended plaint by 13.01.2023.

Addl. Senior Civil Judge,
Srirangapatna

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MVC 258/2020

Sri. NMM advocate for petitioner filed IA No.4 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-2. Heard argument on IA No.4 and perused record. It appears that though this court has issued notice to R-2 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-2. Hence IA No.4 is allowed. Consequently, the petitioner is permitted to take sub service against R-2 by way of paper publication.

Sri. NMM advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.2 reside or carries business for their livelihood on or before 20.01.2023 and direct respondent No.2 to appear before this Court on 28.02.2023.

Sri. NMM advocate for petitioner undertakes to get publish paper

publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-2 by 28.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1671/2019

Sri. CSV advocate for petitioner filed examination in chief of PW2 by way of affidavit. Ex.P.18 to P.20 are got marked. Fully cross examined. Call on for Further petitioner evidence 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 709/2019

Sri. CKS advocate for petitioner filed examination in chief of PW3 by way of affidavit. Ex.P.21 to P.23 are got marked. Fully cross examined. Further petitioner evidence closed. Call on for respondent evidence by08.02.2023

ASCJ & MACT, SRIRANGAPATNA

EX 70/2020, 48/2021

Reissue attachment warrant of movables of Jdr. R/by 04.02.2023

ASCJ, SRIRANGAPATNA

OS 154/2005

Await orders by 10.02.2023

ASCJ, SRIRANGAPATNA

FDP 17/2022

The KKL advocate for respondent No.3 filed objections. Sri. BSS advocate for respondent No.2 prays time to file objections. Call on for clarification by 09.01.2023

ASCJ, SRIRANGAPATNA

OS 34/2020

Reissue SS to defendant No.4 to 7 through RPAD. R/by 14.03.2023

ASCJ, SRIRANGAPATNA

EX 56/2022: 07.01.2023

Sri. DRN advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

EX 118/2022: 07.01.2023

Sri. DRN advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

EX 91/2015: 07.01.2023

Sri. TNS advocate filed power for Dhr along with no objections.

Heard Sri. TNS advocate for Decree Holder filed application u/s 39 of CPC. Heard arguments. It appears that the decree holder has sought for transfer of this execution petition to Prl. Senior Civil Judge and CJM at Pandavapura as Office and properties of Judgment debtor are situated at Pandavapura Taluk.

On perusal of petition, judgment and decree and documents it appears that Judgment debtor is residing at Pandavapura Taluk and properties of Judgment debtor are situated Pandavapura Taluk which comes within the jurisdiction of Pandavapura. Therefore it is just and necessary to transfer the petition to the Hon'ble Prl. Senior Civil Judge and CJM, Pandavapura for execution of decree. Hence this Court is proceed to pass the following,

ORDER

IA No.1 filed u/s 39 of CPC filed by Decree Holder is hereby allowed.

Office is order to transfer entire records of this petition, along with certificate to the Hon'ble Prl. Senior Civil Judge and CJM, Pandavapura for further proceedings.

Case is disposed off.

ASCJ, SRIRANGAPATNA

MVC 749/2021: 07.01.2023

Sri. GSN advocate for petitioner filed memo stating that be please to dismiss the petition as not pressed and permit the petitioner to file fresh petition if orders passed on B report.

Perused memo and same is accepted and case is dismissed.

The petitioner at liberty to file fresh petition if B reported is rejected and case is registered against the accused.

ASCJ & MACT, SRIRANGAPATNA

EX 143/2012

Reissue arrest warrant against the Jdr through special ameen with the help of SP., Mandya, DYSP., Srirangapatna if PF is paid. R/by 30.01.2023

ASCJ, SRIRANGAPATNA

EX 36/2022

Issue attachment warrant of movables if PF is paid and necessary charges is deposited. R/by 02.023.2023

ASCJ, SRIRANGAPATNA

MVC 2097/2019

Case called out. Counsel for petitioner is present. Counsel for respondent is absent. No representation. Heard arguments.

Sri. APN advocate of petitioner filed IA No.1 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. YNR advocate for respondent submits no objection to allow the IA No.1.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

And Sri. APN advocate for petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. YNR advocate for respondent submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. APN advocate for petitioner

suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. APN advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 17.02.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 48/2020

Reissue SS to to defendant No.3 through RPAD. R/by 22.02.2023

ASCJ, SRIRANGAPATNA

EX 20/2019

Case is referred to Lok Adalath on 11.02.2023

ASCJ, SRIRANGAPATNA

MVC 748/2019

Sri. SV advocate filed court commissioner report. Further petitioner evidence closed. Call on for respondent evidence by 03.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 747/2019

Sri. SV advocate filed court commissioner report. Further petitioner evidence closed. Call on for respondent evidence by 03.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 585/2021

Cost paid. Sri. NND advocate for petitioner carried out amendment and amended petition filed. Issue notice to respondent No.3 through RPAD. R/by 07.03.2023

ASCJ & MACT, SRIRANGAPATNA

OS 144/2021

Sri. MSM advocate for plaintiff filed IA No.9 u/o 1 rule 10(2) of CPC to implead the IA schedule person as proposed defendant No.4. And also filed IA No.10 u/o 6 rule 17 of CPC seeking permission to amend the plaint.

Sri. SSP advocate for defendant No.3 filed IA No.11 u/s 148 of CPC for enlargement of time to file written statement. Perused IA and affidavit and same is allowed.

Issue notice to proposed defendant No.4 on Ia No.9 and 10 through RPAD and appearance of proposed defendant No.4 and written statement of defendant No.3. R/by 20.02.2023

ASCJ, SRIRANGAPATNA

Sri. MGP advocate filed amended petition.

Issue notice to respondent No.3 through RPAD. R/by 28.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1359/2022

Notice issued to respondent No.3 is duly served. Service of notice held sufficient. Called out. Absent. Hence, placed exparte. Call on for issues by 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

OS 122/2022

Sri. MPG advocate for defendants filed IA No.3 u/s 148 of CPC for enlargement of time to file written statement. Perused IA and affidavit and same is allowed. Call on for written statement of defendants by 07.02.2023

ASCJ, SRIRANGAPATNA

OS 12/2021

Defendant No.5 and 8 called out. Absent. Placed exparte. Call on for plaintiff evidence by 21.02.2023

ASCJ, SRIRANGAPATNA

OS 88/2016

Sri. NKS advocate for defendant No.5 filed IA No. u/s 151 of CPC seeking permission to file written statement of defendant No.5 and along with written statement.

On the other hand Sri. LV advocate for plaintiff submits IA No.15 filed by the defendant No.5 may be allowed with heavt cost. Perused IA and affidavit and same is allowed with cost of Rs.1,000/- and written statement of defendant No.5 taken as on record. Call on for compliance of Sec. 89 of CPC by 23.01.2023

ASCJ, SRIRANGAPATNA

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MVC 695/2022

Sri. MKS advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. MKS advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 20.01.2023 and direct respondent No.1 to appear before this Court on 28.02.2023.

Sri. MKS advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 and written statement of respondent No.2 by 28.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1750/2019

Sri. GKP advocate for respondent No.2 filed IA No.4 U/s 151 of CPC seeking permission to file objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

OS 38/2021

Sri. KV advocate filed IA No.5 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No.4 to 6 and along with vakalath.

Perused IA and affidavit and same is allowed and exparte order passed against the defendant No.4 to 6 are hereby set aside.

Sri. MPG advocate filed written statement of defendant No.2 and 3. Call on for written statement of defendant No.4 to 6 and objection to IA No.3 by 16.02.2023

ASCJ, SRIRANGAPATNA

MVC 596/2019

Sri. BHG advocate for respondent filed IA No.3 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of cross examination. Perused IA and affidavit and same is allowed in the interest of justice and equity. Call on for cross of PW1 by 06.02.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. VV advocate for R-2 filed IA No.3 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1 and he also filed written statement of R-2.

Sri. MGP advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1 Hence, IA 3 is allowed. R-2 is permitted to take defense.

PW1 present. Fully cross examined by Sri. VV advocate for R-2.

Sri. MGP advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of petitioner.

On the other hand of Sri. VV advocate for respondent No.2 submits that IA No.4 filed by the petitioner may be allowed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for his examination as he is unable to appear before the court due to grievous injuries. Since the petitioner is unable to appear before the court and in view of no objection by the respondent, this

Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and evidence of petitioner, by 17.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. MKS advocate of petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. DGN advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and

further evidence of petitioner by 16.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. MKS advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. DGN advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and

further evidence of petitioner by 16.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. MKS advocate of petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. DGN advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and

further evidence of petitioner by 16.02.2023.

ASCJ & MACT, SRIRANGAPATNA

RA 14/2022

Reissue notice to respondent No.2 and 6 through RPAD. R/by 02.03.2023

ASCJ, SRIRANGAPATNA

Sri. DPK advocate for petitioner filed IA No.4 u/o 7 rule 14(3) of CPC seeking permission to list with documents by condoning the delay and along with list with documents. Perused IA and same is allowed and list with documents taken as on record. And also filed examination in chief of PW1 by way of affidavit. Ex.P.1 to P.14 are got marked. Fully cross examined.

Sri. DPK advocate of petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 are allowed. Consequently, Commissioner is appointed.

Sri. DPK advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he

filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DPK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 16.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 478/2020: 06.01.2023

Sri. MGP advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 are allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and

further evidence of petitioner by 21.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Sri. SEL advocate for respondent No.2 filed memo along with copy of insurance policy.

On the consent of counsel for petitioner insurance copy is got marked as Ex.R.1. Further respondent evidence closed. Call on for arguments by 07.01.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. DGN advocate for respondent No.2 filed memo stating that substitution of ICICI Lombard General Insurance Company as respondent No.2 in place of Bharathi Axa General Insurance Company Ltd. On the other hand Sri. MKS advocate for petitioner submits no objections.

Perused memo and same is accepted. The petitioner is permitted to carried out amendment. Call on for amendment and amended petition by 20.01.2023

ASCJ & MACT, SRIRANGAPATNA

Sri. DGN advocate for respondent No.2 filed memo stating that substitution of ICICI Lombard General Insurance Company as respondent No.2 in place of Bharathi Axa General Insurance Company Ltd. On the other hand Sri. MKS advocate for petitioner submits no objections.

Perused memo and same is accepted. The petitioner is permitted to carried out amendment. Call on for amendment and amended petition by 20.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1152/2020

Sri. NMM advocate for petitioner filed memo along with one document. PW1 present. Inquest is got marked as Ex.P.7. Fully cross examined. And also filed examination in chief of PW2 by way of affidavit. Fully cross examined. Further petitioner evidence closed. Call on for respondent evidence by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

OS 56/2020

Sri. SV advocate for defendant No.1 to 3 filed IA No.2 u/s 151 of CPC seeking permission filed written statement of defendant No.1 to 3 and along with written statement and objection to IA No.1.

On the other hand Sri. CRS advocate for plaintiff submits IA No.2 may be allowed with cost. Perused IA and affidavit and same is allowed with cost of Rs.200/-. Written statement and objections taken as on record. Case is referred to Lok Adalalth on 11.02.2023

ASCJ, SRIRANGAPATNA

OS 120/2018

Sri. PRP advocate for defendant No.4 filed IA No. 2 u/o 7 rule 11(b) of CPC for rejection of plaint. Call on for objection to IA No.2 by 07.02.2023

ASCJ, SRIRANGAPATNA

OS 106/2021

Sri. MNN advocate for plaintiff filed examination in chief of PW1 by way of affidavit. Call on for further chief of PW1 by 04.02.2023

ASCJ, SRIRANGAPATNA

OS 40/2021

Sri. MNN advocate for plaintiff filed examination in chief of PW1 by way of affidavit. Ex.P.1 to 8 are got marked. Call on for further chief of PW1 by 01.02.2023

ASCJ, SRIRANGAPATNA

OS 54/2021

Reissue SS to defendant No.7
through RPAD. R/by 22.02.2023

ASCJ, SRIRANGAPATNA

OS 80/2020

Sri. MCR advocate for plaintiff submits that IA No.3 filed by the defendant No.1 to 4 may be allowed with cost.

Perused IA and same is allowed with cost of Rs.300/- and written statement of defendant No.1 to 4 taken as on record. Call on for compliance of u/s 89 of CPC by 03.02.2023

ASCJ, SRIRANGAPATNA

OS 76/2020

Sri. NVN advocate for plaintiff submits that IA No.2 filed by the defendant No.5 may be allowed with cost.

Perused IA and same is allowed with cost of Rs.300/- and written statement of defendant No.5 taken as on record. Call on for compliance of u/s 89 of CPC by 03.02.2023

ASCJ, SRIRANGAPATNA

OS 110/2017

Sri. CKS advocate for Lrs of defendant No.1 submits that IA No.7 to 9 filed by the plaintiff may be allowed with cost.

Perused IA and affidavit and are allowed with cost of Rs.200/- each. Call on for further chief of PW1 by 01.02.2023

ASCJ, SRIRANGAPATNA

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OS 6/2011

Sri. KK advocate for defendant No.13 filed IA No.33 u/s 151 of CPC seeking permission to engage the counsel and to file written statement and along with one affidavit and vakalath.

Perused order sheet, the defendant No.13 is already appeared before this court through LV advocate. Now she is intended to engage the another counsel.

Perused IA and affidavit and same is allowed on cost of Rs.200/-. The defendant No.13 is engage counsel and written statement of defendant No.13 taken as on record. Call on for compliance u/s 89 of CPC by 11.01.2023

ASCJ, SRIRANGAPATNA

MVC 443/2011

Sri. NGJ advocate filed examination in chief of PW5 by way of affidavit of one Dr. Mohammed Ghouse Shariff is examined as PW5 Ex.P.22(a) is got marked. Fully cross examined. Further petitioner evidence closed. Call on for respondent evidence if any by 16.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2152/2019

Sri. ANK advocate for petitioner filed application u/s 151 of CPC seeking permission to file commissioner report.

Perused IA and memorandum of facts and same is allowed and court commissioner report taken as on record. Further petitioner evidence closed. Call on for respondent evidence finally by 25.01.2023

ASCJ & MACT, SRIRANGAPATNA

MA 12/2022

Sri. MS advocate filed power for respondent.

Sri. MS advocate prays time file objections to IA No.1.

Sri. ASK advocate for appellant filed memo stating that IA No.1 field by the appellant may be dismissed as not pressed.

In view of memo IA No.1 is dismissed as not pressed.

Heard arguments from appellant side. Arguments of respondents by 19.01.2023

ASCJ, SRIRANGAPATNA

MVC 1295/2022: 05.01.2023

Sri. GSN advocate for petitioner filed memo stating that petition may be dismissed as not pressed.

In view of the memo filed by the counsel for petitioner petition is dismissed for not pressed.

ASCJ & MACT, SRIRANGAPATNA

OS 82/2021: 05.01.2023

Sri. KHR advocate for plaintiff filed IA No.6 u/o 7 rule 10 of CPC seeking permission to withdraw the suit and to file fresh suit on same cause of action.

On the other hand Sri. SSP advocate for defendant No.2 submits no objections.

Perused IA and affidavit and same is allowed in the interest of justice and equity.

Case is withdrawn as prayed for and to permit to file fresh suit on same cause of action.

Case is disposed off.

ASCJ, SRIRANGAPATNA

FDP 10/2011

Sri. LV advocate filed IA No.6 u/o 39 rule 1 and 2 of CPC seeking pass an order for not alienate the suit schedule properties till disposal of the petition. Call on for objections by 07.02.2023

ASCJ, SRIRANGAPATNA

FDP 17/2015

Sri. NL advocate for respondent No.2 to 5 filed IA No.5 u/o 26 rule 13 r/w Sec. 151 of CPC seeking for appointment of court commissioner.

On the other hand Sri. RL advocate for petitioner submits no objections to allow the IA No.5.

Perused IA and affidavit and same is allowed.

The ADLR is appointed as court commissioner. Commissioner is fixed for Rs.2,000/-.

Issue commissioner warrant if PF is paid and deposited commissioner fee. Call on for await commissioner report by 22.02.2023

ASCJ, SRIRANGAPATNA

EX 190/2022

Jdr No.2 to 4 called out. Absent. Reissue cause notice to Jdr No.1 through RPAD if PF is paid and furnished correct address. R/by 23.02.2023

ASCJ, SRIRANGAPATNA

EX 174/2022

Reissue cause notice to Jdr through RPAD if PF is paid. R/by 09.02.2023

ASCJ, SRIRANGAPATNA

EX 173/2022

Sri. SCK advocate is present and orally undertakes for Jdr. Call on for vakalath and steps by 03.02.2023

ASCJ, SRIRANGAPATNA

EX 71/2020

Reissue attachment warrant of movables of Jdr if PF is paid and DA amount is deposited. R/by 24.02.2023

ASCJ, SRIRANGAPATNA

EX 122/2019

Sri. HR advocate filed power for Dhr along with no objections. Call on for steps by 31.01.2023

ASCJ, SRIRANGAPATNA

EX 124/2014

Reissue court notice to Dhr and their counsel. R/by 23.01.2023

ASCJ, SRIRANGAPATNA

MVC 330/2018

Case called out. No representation. Perused order sheet, already sufficient opportunities as been given to petitioner to lead further petitioner evidence. Hence, further petitioner evidence taken as closed. Call on for respondent evidence by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

OS 84/2021

Reissue SS to defendant No.1 and 3 if PF is paid. R/by 15.02.2023

ASCJ, SRIRANGAPATNA

OS 106/2020

Sri. KK advocate for defendant No.1 to 5 and 7 given notice u/o 12 rule 8 of CPC. Call on for compliance by 02.02.2023

ASCJ, SRIRANGAPATNA

OS 58/2020

Sri. SSP advocate for plaintiff filed amended plaint. Call on for plaintiff evidence by 30.01.2023

ASCJ, SRIRANGAPATNA

OS 30/2019

Case is referred to Lok Adalath on 11.02.2023

ASCJ, SRIRANGAPATNA

OS 124/2017

Call on to hear on IA's by 01.02.2023

ASCJ, SRIRANGAPATNA

OS 58/2021: 04.01.2023

Sri. RR advocate for plaintiff filed IA No.3 u/o 23 rule 1(3) of CPC seeking permission to withdraw the suit and to file fresh suit on same cause of action.

On the other hand Sri. ASK advocate for defendant No.1 submits no objections.

Perused IA and affidavit and same is allowed in the interest of justice and equity.

Case is withdrawn as prayed for and to permit to file fresh suit on same cause of action.

Case is disposed off.

ASCJ, SRIRANGAPATNA

EX 61/2018: 04.01.2023

Sri. DPK advocate for Dhr prays time for to file memo. Perused order sheet, the case is stayed by the Hon'ble High Court of Karnataka in MFA No.455/2017. Hence, prayer is rejected and execution petition is disposed off for time being.

ASCJ, SRIRANGAPATNA

OS 84/2019: 04.01.2023

Sri. CMJ advocate for plaintiff prays to consider IA filed u/o 1 rule 10(2) of CPC for impleading of party. Heard arguments and perused IA, accompanied affidavit and record. It appears from the records the during the pendancy of the suit the defendant No.2 executed gift deef in favour of defendant No.3 and 4 on 15.02.2021 in respect of the suit schedule property, and after service of notice they did not appear before this court. Therefore the applicants are necessary parties for adjudication of the matter between the parties. Hence, IA 3 filed U/o 1 rule 10(2)of CPC is allowed. Consequently, proposed defendant No.4 are made as party as defendant No.3 and 4.

Plaintiff is directed to carried out amendment and amended plaint by 09.01.2023

ASCJ, SRIRANGAPATNA

MVC 1311/2020: 31.12.2022

Sri. NVR advocate for petitioner filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. NVR advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 09.01.2023 and direct respondent No.1 to appear before this Court on 28.02.2023.

Sri. NVR advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 28.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 946/2022: 31.12.2022

Sri. SJD advocate for R-2 filed IA No.2 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Sri. GSN advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 3 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 2 is allowed. R-2 is permitted to take defense.

PW1 and 2 are present. Fully cross examined. Further petitioner evidence closed. Call on for respondent evidence by 16.01.2023

ASCJ & MACT, SRIRANGAPATNA

Further petitioner evidence closed. Call on for respondent evidence by 03.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 261/2018 Dt: 29.12.2022

Sri. NP Advocate for respondent NO. 2 filed examination in chief RW1 by way affidavit Ex.R1 to 4 are got marked. Fully cross examined.

And also filed IA No. 6 U/S 151 of CPC seeking pass an order for reopen the case for the purpose of lead the further evidence of petitioner. On the other hand Sri. NP Advocate for respondent NO.2 submits no objections. Perused IA and affidavit and same is allowed in the interest of justice and equity.

Sri. NVR Advocate filed memo stating that for purpose of executing commissioner warrant he sought for documents produced by the RMO and CMO. Perused the memo and same is accepted.

Office is directed to give documents to the court commissioner call on for await CR by 17.01.2023.

ASCJ & MACT,
SRIRANGAPATNA

MVC 223/2022: 29.12.2022

Sri. SEL advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.2 by 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1381/2020: 29.12.2022

Sri. MGP advocate of petitioner filed IA No.1 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. CKP advocate for respondent submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 1 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and further evidence of petitioner by 07.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 66/2020: 29.11.2022

Sri. SKG advocate for petitioner filed IA No. 4 U/o 26 rule 10(a) r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. MSV advocate for respondent No.3 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. SKG advocate for petitioner suggests name of Sri. Adarsh K.R. advocate as Commissioner for examination of petitioner.

Sri. Adarsh K.R.advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. Adarsh K.R. advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. SKG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 01.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1689/2019 Dt: 29.12.2022

Reissue notice respondent NO. 1 through RPAD, returnable by by 07.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1286/2019 Dt: 29.12.2022

Sri. CKS advocate for petitioner filed examination in chief of PW1. By way of affidavit call on for further chief of by 23.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1310/2020 Dt: 29.12.2022

Reissue Notice to Respondent No. 2. Returnable by 14.02.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 426/2020 Dt: 29.12.2022

Proposed Respondent called out absent. Perused IA and Affidavit and same is allowed.

Amendment Carried out and amended petition field.

Issue notice to Respondent No.3 thorough RPAD, Returnable by 07.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 63/2020 Dt: 29.12.2022

Sri. PAS Advocate field memo of taking for respondent NO 2 call on vakalath and W.S. of Respondent No. 2 by 27.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 316/2018 Dt: 29.12.2022

Sri. RHS Advocate filed power for petitioner along with no Objection call on for evidence petitioner by 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

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MVC 1067/2021: 02.01.2023

Sri. KPK advocate for respondent No.2 filed IA No.4 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. NVR advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Issues framed. Call on for issues by 07.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1632/2020: 28.12.2022

Sri. KPK advocate for respondent No.2 filed IA No.3 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. KJV advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Issues framed. Call on for cross of PW1 by 10.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 721/2019: 28.12.2022

Sri. KVY advocate for petitioner field memo stating that evidence adduced by the PW1 may be discarded.

Perused memo and same is accepted. In view of memo evidence of PW1 is discarded.

And also field examination in chief of PW1 by way of affidavit. Ex.P.1 to P.7 are got marked. Call on for cross examination of PW1 and 2 by 13.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2275/2019: 28.12.2022

Reissue notice to respondent No.1 through RPAD. R/by 07.02.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 163/2022: 28.12.2022

Heard arguments. Perused IA and affidavit and same is allowed in the interest of justice and equity. Amendment carried out and amended petition filed. Call on for petitioner evidence by 09.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 286/2021: 28.12.2022

Sri. MGP advocate for petitioner filed examination in chief of PW1 by way of affidavit. Ex.P.1 to P.12 are got marked. Call on for cross of PW1 by 17.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 57/2022: 28.12.2022

Sri. DSP advocate for petitioner filed IA No.1 u/o 7 rule 14(3) of CPC seeking permission to produce list with documents by condoning the delay and along with list with documents. Perused IA and same is allowed.

And also filed examination in chief of PW1 by way of affidavit. Ex.P.1 to 9 are got marked. Call on for further chief of PW1 by 03.01.2023

ASCJ & MACT, SRIRANGAPATNA

Additional Issues framed. Call on for cross of PW1 by 07.02.2022

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 07.02.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1115/2021: 23.12.2022

Sri. DPK advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Smt. MVG advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 are allowed. Consequently, Commissioner is appointed.

Sri. DPK advocate for petitioner suggests name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DPK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and

further evidence of petitioner by 21.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC NO. 449/2022: 20.12.2022

Case is advanced as per application filed by advocate for petitioner. Hence, case is advanced to this date for settlement before the court.

Petitioner, Sri. KVY Advocate for petitioner and Sri. SB Advocate for R-2 are present and identified their parties. They submit that the matter is likely to be settled before the Court and prayed to held conciliation. Perused record and satisfied. Hence, the case is posted for conciliation.

Conciliation held. On due negotiation and on the advise of their counsels both parties have agreed to settle the matter amicably. In this regard, they filed a joint memo and pray to pass suitable order. Perused joint memo. The contents of joint memo read and explained to both the parties in the language known to them. They admitted the same as true and correct and pray to pass order accordingly. As per joint memo, the respondent No.2 has agreed to pay a sum of Rs.1,50,000/- (Rupees One Lakh fifty thousand only) as full and final amount to the petitioner towards claim amount within three months. The petitioner has also agreed to receive the said amount as full and final settlement. It appears from record that the petitioner has filed this petition for compensation for injuries sustained by her in a road accident by a vehicle which has been insured with Respondent No.2. Having regard to the facts and circumstances of the case, I am of the opinion that the terms of compromise is reasonable, lawful and acceptable in the interest of both parties. Hence, the joint memo

is allowed and parties are permitted to settle the matter as per their joint memo.

The respondent No.2 shall deposit the amount as mentioned in the joint memo within three months to this Tribunal.

Sri. KVY Advocate for petitioner submits that the petitioner already spent huge amount for his medical expenses and therefore, he prays to release entire amount. Therefore, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to to release the entire amount.

On deposit of compensation amount, the petitioner is entitled for release of entire award amount.

The petitioner is hereby directed furnish name of the bank, account number and IFSC Code of bank in the office for payment and after furnishing such details it is directed to the office to release entire amount to the petitioner by way of K2 system.

Draw award accordingly.

ASCJ & MACT, SRIRANGAPATNA

MVC 947/2022: 20.12.2022

Sri. GSN advocate filed memo stating petition may be dismissed as not pressed.

In view of the memo, petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

MVC 929/2020: 20.12.2022

Sri. ANK advocate of petitioner filed IA No.3 U/o 26 rule 1 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SJD advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 are allowed. Consequently, Commissioner is appointed.

Sri. ANK advocate for petitioner suggests name of Sri. CKP advocate as Commissioner for examination of petitioner.

Sri. CKP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CKP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ANK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and

further evidence of petitioner by 21.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1462/2018: 20.12.2022

Sri. NMM advocate of petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. MP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 are allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid Await Commissioner report and

further evidence of petitioner by 21.02.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 2303/2019: 20.12.2022

Sri. NMM advocate of petitioner filed IA No.1 u/s 151 of CPC seeking for reopen the case in order to examine the witness.

And also filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. DGN advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 1 and 2 are allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay

commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 21.02.2023.

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 20.01.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 735/2022: 19.12.2022

Sri. SB advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. GSN advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.2 by 13.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1138/2022: 19.12.2022

Smt. RL advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. SP advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.2 by 13.01.2023

ASCJ & MACT, SRIRANGAPATNA

ಓ.ಎಸ್.ನಂ.10/1997, ದಿನಾಂಕ 17.12.2022

ದಿವಾನಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 7 ನಿಯಮ 10 ರಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಆದೇಶ ಃ

ವಾದಿಯು ಈ ದಾವೆಯನ್ನು ಪ್ರತಿವಾದಿಯ ವಿರುದ್ದ ದಿನಾಂಕ 20.01.1997 ರಂದು ದಾವಾ ಆಸ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮಾಲೀಕತ್ವ ಘೋಷಣೆ ಮತ್ತು ಶಾಶ್ವತ ಪ್ರತಿಬಂಧಕಾಜ್ಞೆ ಆದೇಶ ಕೋರಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ದಾವೆಯಲ್ಲಿ ಉಭಯಪಕ್ಷಗಾರರ ವಿಚಾರಣೆಯ ನಂತರ ದಿನಾಂಕ 03.02.2006 ರಂದು ದಾವೆಯನ್ನು ವಜಾಗೊಳಿಸಿರುತ್ತದೆ. ಸದರಿ ತೀರ್ಪು ಮತ್ತು ಡಿಕ್ರಿಯ ವಿರುದ್ದ ವಾದಿಯು ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಆರ್.ಎಫ್.ಎ.ನಂ.852/2006 (ಡಿಇಸಿ) ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಗೌರವಾನ್ವಿತ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ 08.11.2022 ರಂದು ತೀರ್ಪು ನೀಡಿ ಈ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪು ಮತ್ತು ಡಿಕ್ರಿಯನ್ನು ರದ್ದುಗೊಳಿಸಿ, ಸದರಿ ಈ ದಾವೆಯನ್ನು ಕೋರ್ಟ್ ಕಮೀಷನರ್ ನ್ನು ನೇಮಕ ಮಾಡಿ ವರದಿಯನ್ನು ಪಡೆದು ದಿನಾಂಕ 31.03.2023 ರ ಒಳಗಾಗಿ ದಾವೆಯನ್ನು ತೀರ್ಮಾನಿಸಬೇಕೆಂದು ನಿರ್ದೇಶಿಸಿ ಆದೇಶ ಮಾಡಿರುತ್ತದೆ.

ಸದರಿ ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪನ್ನು ಈ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ 13.12.2022 ರಂದು ಸ್ವೀಕರಿಸಿದ್ದು, ತಕ್ಷಣ ದಾವೆಯನ್ನು ಸಿ.ಐ.ಎಸ್. ನಲ್ಲಿ ತೆಗೆದುಕೊಳ್ಳಲಾಯಿತು. ಸದರಿ ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಅಪೀಲಿನಲ್ಲಿ ಆದೇಶ ಮಾಡಿದ ಕಾಲಕ್ಕೆ ಉಭಯಪಕ್ಷಗಾರರು ದಿನಾಂಕ 26.11.2022 ರಂದು ಯಾವುದೇ ನೋಟೀಸು, ವಗೈರೆ ಇಲ್ಲದೆ ಹಾಜರಾಗಬೇಕೆಂದು ನಿರ್ದೇಶನವಿದ್ದರೂ ಸಹ ಯಾರೊಬ್ಬರೂ ಸಹ ಸದರಿ ದಿನಾಂಕದಂದು ಹಾಜರಾಗಿರುವುದಿಲ್ಲ. ಈ ದಾವೆಯಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಆದ ಆದೇಶದ ಬಗ್ಗೆ ವಕೀಲರಾಗಲೀ, ಪಕ್ಷಗಾರರಾಗಲೀ ನ್ಯಾಯಾಲಯದ ಗಮನಕ್ಕೆ ತಂದಿರುವುದಿಲ್ಲ. ದಾವೆಯನ್ನು ಸಿ.ಐ.ಎಸ್.ನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಕೊಂಡ ನಂತರ ಮರುದಿನ ಪ್ರಕರಣವನ್ನು ಕರೆಯಲಾಯಿತು. ಸದರಿ ದಿನಾಂಕದಂದು ಸಹ ಉಭಯಪಕ್ಷಗಾರರು ಮತ್ತು ಅವರ ಪರ ವಕೀಲರು ಹಾಜರಾಗದೆ ಇದುದ್ದರಿಂದ ನಮ್ಮ ನ್ಯಾಯಾಲಯದ ಸಿ.ಎಂ.ಓ. ರವರ ಮುಖಾಂತರ ಫೋನ್ ಕರೆ ಮಾಡಿಸಿ ಸದರಿ ವಕೀಲರನ್ನು ದಿನಾಂಕ 15.12.2022 ರಂದು ತೆರೆದ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕರೆಸಿ ದಾವೆಯ ವಸ್ತು ಸ್ಥಿತಿಯ ಬಗ್ಗೆ ತಿಳಿಸಲಾಯಿತು. ಸದರಿ ವಕೀಲರು ತಮ್ಮ ಪಕ್ಷಗಾರರಿಂದ ತಮಗೆ ಇಲ್ಲಿಯವರೆಗೆ ಯಾವುದೇ ಮಾಹಿತಿಯು ಇರುವುದಿಲ್ಲ. ಒಂದು ದಿನ ಸಮಯಾವಕಾಶ ಕೊಟ್ಟಲ್ಲಿ ತಮ್ಮ ಪಕ್ಷಗಾರರಿಗೆ ಮಾಹಿತಿ ನೀಡಿ ದಾವೆಯನ್ನು ಮುನ್ನಡೆಸುತ್ತೇವೆಂದು

ಕೋರಿಕೊಂಡ ಮೇರೆಗೆ ದಿನಾಂಕ 16.12.2022 ಕ್ಕೆ ಮುಂದೂಡಲಾಯಿತು. ದಿನಾಂಕ 16.12.2022 ರಂದು ವಕೀಲರ ಕಲ್ಯಾಣ ಕಾಯಿದೆ ಜಾರಿಗಾಗಿ ರಾಜ್ಯಾದ್ಯಾಂತ ವಕೀಲರು ಪ್ರತಿಭಟನೆಗಳನ್ನು ಮಾಡಿದ್ದು, ಆ ದಿನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಹಾಜರಾಗಲಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ದಿನಕ್ಕೆ ದಾವೆಯನ್ನು ಮುಂದೂಡಲಾಯಿತು.

ಈ ದಿನ ದಾವೆಯನ್ನು ಕರೆಯಲಾಗಿ, ವಾದಿಯ ಪರ ವಕೀಲರು ಹಾಗೂ ಪ್ರತಿವಾದಿ ಮತ್ತು ಅವರ ಪರ ವಕೀಲರು ಹಾಜರಾಗಿರುತ್ತಾರೆ. ಆದರೆ ವಾದಿಯು ಗೈರು ಹಾಜರಿರುತ್ತಾರೆ. ದಾವೆಯನ್ನು ಕರೆದಾಗ ಪ್ರತಿವಾದಿಯ ಪರ ವಕೀಲರು ಈ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ, ಈ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಈ ದಾವೆಯನ್ನು ನಡೆಸುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇರುವುದಿಲ್ಲ, ದಾವೆ ಸಲ್ಲಿಸಿದ ಕಾಲಕ್ಕೆ ಪಾಂಡವಪುರ ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಹಿರಿಯಶ್ರೇಣಿ ನ್ಯಾಯಾಲಯ ಇಲ್ಲದೇ ಇದುದ್ದರಿಂದ ಆಗ ಈ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇತ್ತು, ಸದರಿ ಈ ದಾವೆಯಲ್ಲಿಯ ಪಕ್ಷಗಾರರು ಹಾಗೂ ದಾವಾ ಆಸ್ತಿಯು ಪಾಂಡವಪುರ ನ್ಯಾಯಾಲಯದ ವ್ಯಾಪ್ತಿಗೆ ಬರುವುದರಿಂದ, ಈಗ ಪಾಂಡವಪುರದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಹಿರಿಯ ಶ್ರೇಣಿ ನ್ಯಾಯಾಲಯ ಇರುವುದರಿಂದ ಸದರಿ ಈ ದಾವೆಯನ್ನು ಆ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಳುಹಿಸಿಕೊಡಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಈ ದಾವೆಯ ವಾದಿಯ ಪರ ವಕೀಲರು ತಮ್ಮ ವಾದಮಂಡನೆಯ ಕಾಲಕ್ಕೆ ನಿನ್ನೆ ರಾತ್ರಿ ನಮ್ಮ ಕಕ್ಷಿದಾರರಿಗೆ ದಾವೆಯ ಬಗ್ಗೆ ಫೋನ್ ಮುಖಾಂತರ ವಿಚಾರಿಸಲಾಗಿ, ಸದರಿಯವರು ತಾವು ಮಂಡ್ಯದ ವಕೀಲರನ್ನು ನೇಮಕ ಮಾಡಿಕೊಂಡಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ, ಪ್ರತಿವಾದಿಯ ಪರ ವಕೀಲರು ತಿಳಿಸಿದಂತೆ ಈ ನ್ಯಾಯಾಲಯಕ್ಕೆ ದಾವೆಯನ್ನು ವಿಚಾರಣೆ ನಡೆಸುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ನ್ಯಾಯಾಲಯವು ಸೂಕ್ತ ಆದೇಶ ಮಾಡಬಹುದೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಉಭಯಪಕ್ಷಗಾರರ ಪರ ವಕೀಲರ ವಾದವನ್ನು ಆಲಿಸಿದ ನಂತರ ನ್ಯಾಯಾಲಯವು ಸಂಪೂರ್ಣ ಕಡತವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ವಾದಿಯು ಈ ದಾವೆಯನ್ನು ಪ್ರತಿವಾದಿಯ ವಿರುದ್ದ ದಾವಾ ಆಸ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮಾಲೀಕತ್ವ ಘೋಷಣೆ ಮತ್ತು ಶಾಶ್ವತ ಪ್ರತಿಬಂಧಕಾಜ್ಞೆ ಆದೇಶ ಕೋರಿ ದಿನಾಂಕ 20.01.1997 ರಂದು ಈ ದಾವೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಈ ನ್ಯಾಯಾಲಯವು ದಾವೆಯನ್ನು ವಜಾಗೊಳಿಸಿದ್ದು, ಸದರಿ ತೀರ್ಪು ಮತ್ತು ಡಿಕ್ರಿಯ ವಿರುದ್ದ ವಾದಿಯು ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಆರ್.ಎಫ್.ಎ.ನಂ.852/2006 (ಡಿಇಸಿ) ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಗೌರವಾನ್ವಿತ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ 08.11.2022 ರಂದು ತೀರ್ಪು ನೀಡಿ ಈ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪು ಮತ್ತು ಡಿಕ್ರಿಯನ್ನು ರದ್ದುಗೊಳಿಸಿ, ಸದರಿ ಈ ದಾವೆಯಲ್ಲಿ ಕೋರ್ಟ್ ಕಮೀಷನರ್ ನ್ನು ನೇಮಕ ಮಾಡಿ ವರದಿಯನ್ನು ಪಡೆದು ದಿನಾಂಕ 31.03.2023 ರ ಒಳಗಾಗಿ ದಾವೆಯನ್ನು ತೀರ್ಮಾನಿಸಬೇಕೆಂದು ನಿರ್ದೇಶಿಸಿ ಆದೇಶ ಮಾಡಿರುತ್ತದೆ.

ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿಯ ವಿಳಾಸವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ **ವಾದಿಯು ಪಾಂಡವಪುರ ತಾಲ್ಲೂಕು, ಮೇಲುಕೋಟೆ ಹೋಬಳಿ, ಜಕ್ಕನಹಳ್ಳಿ ಗ್ರಾಮದವರಾಗಿರುತ್ತಾರೆ. ಅದೇ ರೀತಿ ಪ್ರತಿವಾದಿ ವಿಳಾಸವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಅವರು ಪಾಂಡವಪುರ ತಾಲ್ಲೂಕು, ಮೇಲುಕೋಟೆ ಹೋಬಳಿ, ಅಮೃತಿ ಗ್ರಾಮದವರಾಗಿರುತ್ತಾರೆ. ದಾವಾ ಆಸ್ತಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಸದರಿ ಆಸ್ತಿಯು ಪಾಂಡವಪುರ ತಾಲ್ಲೂಕು, ಮೇಲುಕೋಟೆ ಹೋಬಳಿ, ಅಮೃತಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.*168 (*ಹಳೆ ಸರ್ವೆ ನಂ.*38)* ರ ***0.81*** ಎಕರೆಗೆ ಸಂಬಂಧಿಸಿದ್ದಾಗಿರುತ್ತದೆ.** ಒಟ್ಟಾರೆಯಾಗಿ ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿಗಳು ಹಾಗೂ ದಾವಾ ಆಸ್ತಿಯು ಇರುವುದು ಪಾಂಡವಪುರ ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಆಗಿರುತ್ತದೆ. ಈ ಹಂತದಲ್ಲಿ ಪಾಂಡವಪುರದ ಗೌರವಾನ್ವಿತ ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯವು ಯಾವಾಗ ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟಿತು ಎಂದು ನಮ್ಮ ಸಿ.ಎಂ.ಓ.ರವರಿಂದ ಮಾಹಿತಿಯನ್ನು ಕಲೆ ಹಾಕಿದಾಗ ಸದರಿ ನ್ಯಾಯಾಲಯವು 19.06.2009 ರಂದು ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟಿರುತ್ತದೆ ಎಂದು ತಿಳಿದುಬಂದಿರುತ್ತದೆ. ಸದರಿ ಈ ದಾವೆಯನ್ನು ಸಲ್ಲಿಸುವ ಕಾಲಕ್ಕೆ ಪಾಂಡವಪುರದಲ್ಲಿ ಹಿರಿಯ ಶ್ರೇಣಿ ನ್ಯಾಯಾಲಯವು ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರಲಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಾರ್ಯವ್ಯಾಪ್ತಿ ಇದುದ್ದರಿಂದ ಈ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾವೆ ಸಲ್ಲಿಸಲಾಗಿತ್ತು. ಈಗ ಪಾಂಡವಪುರದಲ್ಲಿ ಹಿರಿಯ ಶ್ರೇಣಿ ನ್ಯಾಯಾಲಯವು ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವುದರಿಂದ ಸದರಿ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಈ ದಾವೆಯನ್ನು ತೀರ್ಮಾನಿಸುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇರುತ್ತದೆ ಎಂದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ನ್ಯಾಯಾಲಯವು ತನಗೆ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇಲ್ಲದಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ತೀರ್ಪು ನೀಡಿದರೆ ಅಂತಹ ತೀರ್ಪು ಕಾನೂನುಬದ್ದವಾಗಿರುವುದಿಲ್ಲ. ಆ ರೀತಿ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇಲ್ಲದೆ ಇದ್ದಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ದಿವಾನಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 7 ನಿಯಮ 10 ರ ಅಡಿಯಲ್ಲಿ ತಿಳಿಸಿದಂತೆ ನ್ಯಾಯಾಲಯವು ವಾದಪತ್ರವನ್ನು ಹಿಂದಿರುಗಿಸಿ ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅದನ್ನು ಹಾಜರುಪಡಿಸುವಂತೆ ಆದೇಶ ಮಾಡುವ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರುತ್ತದೆ. ಈ ದಾವೆಯನ್ನು ವಾದಿಯು ಸಲ್ಲಿಸಿ ಸುಮಾರು 25 ವರ್ಷಗಳಾಗಿರುತ್ತದೆ. ಈ ದಿನ ವಾದಿಯು ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಹಾಜರಾಗಿರುವುದಿಲ್ಲ. ವಕೀಲರ ವಾದವನ್ನು ಕೇಳಿದಾಗ ಸದರಿ ಈ ಹಿಂದೆ ಈ ದಾವೆಯನ್ನು ನಡೆಸಿದ ವಕೀಲರ ಬಳಿ ಅವರ ಕಕ್ಷಿದಾರರು ಬಂದಿರುವುದಿಲ್ಲ. ಏಕೆಂದರೆ ಸದರಿಯವರು ಮಂಡ್ಯದ ವಕೀಲರನ್ನು ನೇಮಕ ಮಾಡಿಕೊಂಡಿರುವುದರಿಂದ ಬಂದಿರುವುದಿಲ್ಲ. ಆ ಕಾರಣಕ್ಕಾಗಿ ವಾದಪತ್ರವನ್ನು ಹಿಂದಿರುಗಿಸಿ ಆದೇಶ ಮಾಡಿದ್ದಲ್ಲಿ ಅದನ್ನು ವಾದಿಯು ಪಡೆದು ಸೂಕ್ತ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಲ್ಲಿಸುವಂತೆ ನ್ಯಾಯಾಲಯದಿಂದ ಕೋರ್ಟ್ ನೋಟೀಸು ಕೊಡುವ ಅವಶ್ಯಕತೆ ಇರುತ್ತದೆಂದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ. ನ್ಯಾಯಾಲಯಕ್ಕೆ ಇರುವ ಅಂತರ್ಗತ ಅಧಿಕಾರವನ್ನು ಉಪಯೋಗಿಸಿಕೊಂಡು The Karnataka Civil Rules of Practice - 1967 - Sec.224 ರಲ್ಲಿ ತಿಳಿಸಿದಂತೆ ವಿಶೇಷ ಪ್ರೋಸಸ್ ಸರ್ವರ್ ನ್ನು ನೇಮಕ ಮಾಡುವ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರುವುದರಿಂದ ಸದರಿ ಈ ದಾವೆಯಲ್ಲಿ ಒಬ್ಬ ವಿಶೇಷ ಪ್ರೋಸಸ್ ಸರ್ವರನ್ನು

ನೇಮಕ ಮಾಡಿ ಅವರ ಮುಖಾಂತರ ಕೋರ್ಟ್ ನೋಟೀಸನ್ನು ಜಾರಿ ಮಾಡಿಸಿ, ನಿಗದಿಪಡಿಸಿದ ಅವಧಿಯೊಳಗಾಗಿ ಈ ನ್ಯಾಯಾಲಯದಿಂದ ವಾದಪತ್ರವನ್ನು ಹಿಂಪಡೆದು ಸೂಕ್ತ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಾಜರುಪಡಿಸುವಂತೆ ನಿರ್ದೇಶಿಸಿ ಆದೇಶ ಮಾಡಬಹುದಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ಕೆಳಗಿನಂತೆ ಮಾಡಲಾದ ಆದೇಶ ಃ

<u>ಆದೇಶ</u>

- ದಿವಾನಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 7 ನಿಯಮ 10 ರಲ್ಲಿ ತಿಳಿಸಲಾದಂತೆ ವಾದಪತ್ರವನ್ನು ವಾದಿಗೆ ಹಿಂದಿರುಗಿಸಲಾಗಿದೆ.

- ವಾದಿಯು ಈ ನ್ಯಾಯಾಲಯದಿಂದ ದಿನಾಂಕ 06.01.2023 ರ ಒಳಗಾಗಿ ವಾದಪತ್ರವನ್ನು ಪಡೆದುಕೊಳ್ಳತಕ್ಕದ್ದು ಎಂದು ನಿರ್ದೇಶಿಸಲಾಗಿದೆ.

- ಉಭಯಪಕ್ಷಗಾರರು ದಿನಾಂಕ 09.01.2023 ರಂದು ಪಾಂಡವಪುರ ಹಿರಿಯಶ್ರೇಣಿ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ಹಾಜರಾಗತಕ್ಕದ್ದು.

- ಕೋರ್ಟ್ ನೋಟೀಸನ್ನು ಜಾರಿ ಮಾಡಲು ಪ್ರೋಸಸ್ ಸರ್ವರ್ ಎಂ.ಬಿ.ನವೀನ್ ಕುಮಾರ್ ರವರನ್ನು ವಿಶೇಷ ಪ್ರೋಸಸ್ ಸರ್ವರ್ ಎಂದು ನೇಮಕಮಾಡಲಾಗಿದೆ.

- ಸದರಿ ವಿಶೇಷ ಪ್ರೋಸಸ್ ಸರ್ವರ್ ರವರು ಉಭಯಪಕ್ಷಗಾರರಿಗೆ ದಿನಾಂಕ 04.01.2023 ರ ಒಳಗಾಗಿ ನೋಟೀಸನ್ನು ಜಾರಿ ಮಾಡತಕ್ಕದ್ದು.

ಅಪರ ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ,
ಶ್ರೀರಂಗಪಟ್ಟಣ.

EX 14/2021: 17.12.2022

Sri. LS advocate filed memo. In view of pending MFA before the Hon'ble High Court of Karnataka, time being petition may be dismissed as not pressed.

In view of the memo petition is dismissed as not pressed for time being.

ASCJ, SRIRANGAPATNA

EX 27/2020: 17.12.2022

Sri. MKS advocate for Dhr field a memo to dismiss this petition as not pressed. Hence, in view of memo, petition is dismissed as not pressed.

ASCJ, SRIRANGAPTNA

EX 102/2017: 17.12.2022

Sri. ATJ advocate filed memo. In view of pending MFA before the Hon'ble High Court of Karnataka, time being petition may be dismissed as not pressed.

In view of the memo petition is dismissed as not pressed for time being.

ASCJ, SRIRANGAPATNA

OS 42/2022: 17.12.2022

Sri. KJV advocate for plaintiff filed IA No.1 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant. Heard arguments on IA No.1 and perused record. It appears that though this court has issued summons to defendant on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendant. Hence, IA No.1 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant by way of paper publication.

Sri. KJV advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant reside or carries business for his livelihood on or before 28.12.2022 and direct defendants to appear before this court on 03.02.2023.

Sri. KJV advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant by 03.02.2023.

ASCJ, SRIRANGAPATNA

OS 20/2020: 25.11.2022

Sri. MD advocate for plaintiff filed IA No.5 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.1 to 5, 7, 8, 10 to 17, 19, 21, 23, 26 to 33. Heard arguments on IA No.5 and perused record. It appears that though this court has issued summons to defendant No.1 to 5, 7, 8, 10 to 17, 19, 21, 23, 26 to 33. on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendant No.1 to 5, 7, 8, 10 to 17, 19, 21, 23, 26 to 33. Hence, IA No.5 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.1 to 5, 7, 8 10 to 17, 19, 21, 23, 26 to 33 by way of paper publication.

Sri. MD advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Sri. CPK advocate for proposed defendant No.35 and 36 filed IA No.6 u/o 1 rule 10(2) of CPC and along with vakalath of proposed defendant No.35 and 36.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.1 to 5, 7, 8, 10 to 17, 19, 21, 23, 26 to 33. reside or carries business for his

livelihood on or before 22.12.2022 and direct defendant No.1 to 5, 7, 8, 10 to 17, 19, 21, 23, 26 to 33 for appearance and objection to IA No.6 on 04.02.2023

Sri. MD advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.1 to 5, 7, 8, 10 to 17, 19, 21, 23, 26 to 33 by 04.02.2023.

ASCJ, SRIRANGAPATNA

EX 103/2017: 16.12.2022

Sri. ATJ advocate filed memo. In view of pending MFA before the Hon'ble High Court of Karnataka, time being petition may be dismissed as not pressed.

In view of the memo petition is dismissed as not pressed for time being.

ASCJ, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 13.01.2023

ASCJ & JMFC, SRIRANGAPATNA

MISC 14/2017: 15.12.2022

Again at 5.45 p.m. case is called out. No representation.

Perused order sheet, the petitioner has filed this petition in the year 2017, from the date of filing of this petition, the petitioner is continuously absent, it shows that, the petitioner is not interested to proceed with the case against the respondent. Hence, petition is dismissed for non-prosecution.

ASCJ & MACT, SRIRANGAPATNA

EX 91/2016: 15.12.2022

Sri. NSR advocate filed memo. In view of pending MFA before the Hon'ble High Court of Karnataka, time being petition may be dismissed as not pressed.

In view of the memo petition is dismissed as not pressed for time being.

ASCJ, SRIRANGAPATNA

EX 66/2018: 15.12.2022

Sri. GSN advocate filed memo. In view of pending MFA before the Hon'ble High Court of Karnataka, time being petition may be dismissed as not pressed.

In view of the memo petition is dismissed as not pressed for time being.

ASCJ, SRIRANGAPATNA

MVC 1444/2018: 15.12.2022

Sri. GSN advocate for petitioner is present and submits that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer may be notice and necessary order may be passed.

Perused order sheet, the petitioner filed this petition on 05.10.2018. From the date of filing the petition the petitioner is continuously absent and steps not taken. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

OS 76/2010: 15.12.2022

Sri. MS advocate for Lrs of defendant No.1 filed memo stating that the application u/s 151 of CPC filed by the brother of defendant No.1(b) Late B.Shankar may be dismissed as not pressed.

In view of the memo application u/s 151 of CPC filed by the defendant No.1(b) Late Shankar is dismissed as not pressed.

Sri. MS advocate for Lrs of defendant No.1(b) filed u/s 151 of CPC be pleased to include the properties situated at Mandya Town as mentioned in written statement para No.3 and also filed application u/s 151 of CPC seeking pass an order for defendant No.7(a) Veeregowda as he is not legal representative of the K.Manjula. Call on for objection by 16.12.2022

ASCJ, SRIRANGAPATNA

MVC 1300/2022 & 1301: 15.12.2022

Sri. KPK advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.2 by 24.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 926/2022: 15.12.2022

Sri. KPK advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.1 and 2 by 24.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 694/2022: 15.12.2022

Sri. NP advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with affidavit.

And also filed IA No.2 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

On the other hand Sri. NKS advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 2 is allowed. R-2 is permitted to take defense and written statement of respondent No.2 taken as on record.

Issues framed. Call on for petitioner evidence by by 24.01.2023

ASCJ & MACT, SRIRANGAPATNA

FDP 12/2022: 14.12.2022

Sri. RL advocate for respondent No.1 and 2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

Counsel for petitioner called out. Absent. No representation. Hence, objection is taken as not filed.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Respondent No.3 called out. Absent. Call on for objection and steps by 20.01.2023

ASCJ, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 24.01.2023

ASCJ & MACT, SRIRAGAPATNA

MVC 928/2020: 13.12.2022

Sri. ANK advocate for petitioner filed IA No.1 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. KPK advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 1 is allowed. Consequently, Commissioner is appointed.

Sri. ANK advocate for petitioner suggests name of Sri. CKP advocate as Commissioner for examination of petitioner.

Sri. CKP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CKP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ANK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 31.01.2023.

ASCJ & MACT, SRIRANGAPATNA

OS 26/2018: 09.12.2022

Sri. SSP advocate for defendant No.1, 4 to 7 filed IA No.9 U/s 151 of CPC seeking permission to file written statement of defendant No.1, 4 to 7 along with written statement of defendant No.1, 4 to 7 and in connection with affidavit.

Advocate for plaintiff submits that IA No.9 filed by the defendant No.1, 4 to 7 may be allowed with cost.

Perused the IA and affidavit and same is allowed with cost of Rs.300/- and written statement of defendant No.1, 4 to 7 taken on records and call on for compliance U/s 89 of CPC by 05.01.2023.

ASCJ, SRIRANGAPATNA

OS 192/2022: 08.12.2022

Heard Sri. SSP advocate for plaintiff on IA No.1 filed U/o 32 rule 1 r/w Sec. 151 of CPC along with affidavit for permission for appointment of guardian to conduct case on behalf of minor plaintiff. It appears from record that the plaintiff is minor and he is under care and custody of his natural guardian i.e., maternal grand father K.N.Manjunath being natural guardian of the plaintiff has sought for permission to conduct case on behalf of his minor grand son. Hence, having regard to the facts and circumstances of the case I am of the opinion that it is a fit case to permit the natural guardian i.e., maternal grand father K.N.Manjunath as next friend. Hence, IA No.1 is allowed and guardian of plaintiff is permitted to conduct case on behalf of minor plaintiff.

Heard Sri. SSP advocate advocate for plaintiff on I.A. No.2 and perused the materials available on record.

And heard Sri. SSP advocate on I.A.No.2 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule properties contending that, suit schedule properties is joint family property of himself and defendants and he is entitled for share in the suit schedule properties.

Now the defendants are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the property. Therefore, the plaintiff prayed to

grant exparte temporary injunction.

In support of his application the plaintiff has sworn affidavit and produced Family G.Tree, and RTC pertaining to suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiff claims that she is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 2 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendants as prayed in I.A.No.2 and direct the defendants not to alienate the suit properties if

the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.2 and suit summons to defendants if PF and copies furnished. R/by 18.01.2023.

ASCJ, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 16.01.2023

ASCJ & MACT, SRIRAGAPATNA

MVC 1333/2022: 07.12.2022

Sri. PAS advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. SSP advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity.

Call on for written statement of respondent No.2 by 20.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 409/2022: 07.12.2022

Sri. SJD advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 r/w 151 of CPC to set aside the exparte order passed against the respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for issues by 12.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 1060/2022: 07.12.2022

Sri. KPK advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.1 by 12.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 2072/2019: 07.12.2022

Sri. GMV advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. GPJ advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for written statement of respondent No.1 by 16.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC NO. 925/2019: 06.12.2022

Case is advanced as per application filed by advocate for petitioner. Hence, case is advanced to this date for settlement before the court.

Petitioner, Sri. NMM Advocate for petitioner and Sri. HMN Advocate for R-2 are present and identified their parties. They submit that the matter is likely to be settled before the Court and prayed to held conciliation. Perused record and satisfied. Hence, the case is posted for conciliation.

Conciliation held. On due negotiation and on the advise of their counsels both parties have agreed to settle the matter amicably. In this regard, they filed a joint memo and pray to pass suitable order. Perused joint memo. The contents of joint memo read and explained to both the parties in the language known to them. They admitted the same as true and correct and pray to pass order accordingly. As per joint memo, the respondent No.2 has agreed to pay a sum of Rs.5,27,000/- (Rupees Five Lakhs twenty seven thousand only) as full and final amount to the petitioner towards claim amount within three months. The petitioner has also agreed to receive the said amount as full and final settlement. It appears from record that the petitioner has filed this petition for compensation for injuries sustained by him in a road accident by a vehicle which has been insured with Respondent No.2. Having regard to the facts and circumstances of the case, I am of the opinion that the terms of compromise is reasonable, lawful and acceptable in the interest of both parties. Hence, the joint

memo is allowed and parties are permitted to settle the matter as per their joint memo.

The respondent No.2 shall deposit the amount as mentioned in the joint memo within three months to this Tribunal.

Sri. NMM Advocate for petitioner submits that the petitioner already spent huge amount for his medical expenses and therefore, he prays to release entire amount. Therefore, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to to release the entire amount.

On deposit of compensation amount, the petitioner is entitled for release of entire award amount.

The petitioner is hereby directed furnish name of the bank, account number and IFSC Code of bank in the office for payment and after furnishing such details it is directed to the office to release entire amount to the petitioner by way of K2 system.

Draw award accordingly.

ASCJ & MACT, SRIRANGAPATNA

MVC 719/2017: 06.12.2022

Sri. MRV advocate for petitioner filed application u/s 151 of CPC seeking permission to withdraw the petition and to file fresh petition on same of cause of action. Perused application and same is allowed in the interest of justice and equity.

Petition is dismissed as not pressed.

The petitioner is at liberty to file fresh petition on same cause of action.

ASCJ & MACT, SRIRANGAPATNA

RA 66/2022: 06.12.2022

Sri. MS advocate for appellant on I.A. No.1 filed a memo with documents. Heard argument on IA 1 and perused the materials available on record.

The appellant has filed the present appeal to set aside judgment and decree passed in OS 210/2009 dated 22.09.2022 by the Prl. Civil Judge, Srirangapatna. He also filed IA 1 u/o 41 rule 1 of CPC to stay operation and execution of judgment and decree. In the affidavit filed in support of application appellant No.1 sworn that the respondents filed the suit for declaration and permanent injunction. Even though there was no sufficient documents to show possession over a portion of suit land as per oral division the Hon'ble Court failed to appreciate the same. Now the respondents taking undue advantage of impugned judgment and decree is making hectic attempt to dispossess the appellants from the suit property. The appellants have every chances of success in the appeal on merits. If respondents not restrained the very purpose of filing appeal will be defeated. Therefore the appellant prayed to stay operation and execution of judgment and decree.

In support of their application the appellants have produced judgment and decree passed in OS 210/2009 on file of Prl. Civil Judge, Srirangapatna. Ex.D.1 to D.6 documents. On perusal of Ex.D.1 to D.6, RTC extract.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. On perusal of

Ex.D.1 to D-6 office extract to pertaining suit property it appears there are reasonable grounds to consider IA No.1. At this stage it appears that, appellants have made out a prima-facie case to proceed against respondents. If operation and execution of judgment and decree is not stayed the very purpose of filing appeal will be defeated. Further this Court is of the opinion that it is fit case to dispense with notice of IA 1 as the matter is urgent in nature and the purpose of filing appeal will be defeated by reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

The judgment and decree passed in OS 210/2009 dated 22.03.2019 passed by the Prl. Civil Judge, srirangapatna is stayed till next date of hearing.

Issue notice of appeal memo and IA No.I to the respondents if PF and copies furnished. Returnable by 21.01.2023.

ASCJ, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 23.01.2023

ASCJ & MACT, SRIRANGAPATNA

MVC 907/2022, 908/2022: 05.12.2022

Sri. KPK advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. BKP advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for await process of respondent No.1 and written statement of respondent No.2 by 03.01.2023

ASCJ & MACT, SRIRANGAPATNA

FDP 13/2018: 03.12.2022

Both the parties and their counsel are present. Sri. BSV and KKL advocates filed I.A. U/o 23 rule 3 CPC.

After due conciliation by the both the conciliators, both the parties have agreed to compromise the case and accordingly filed an application under Order - 23 Rule - 3 of C.P.C, stating that they have compromised the case in terms of compromise petition. The contents of application are read over and explained to the both parties in the language known to them. They have admitted its contents as true and correct. On enquiry they also submitted that they have no force, threat or undue influence to get the case compromised.

Therefore, there is no impediment to accept the proposed compromise of the parties. Accordingly, following order:

::ORDER::

The application filed by the parties U/o 23 Rule-3 of CPC is hereby accepted and allowed.

Draw Final decree accordingly.

ASCJ, SRIRANGAPATNA

EX 13/2018: 30.11.2022

Sri. GSN advocate filed memo. In view of pending MFA before the Hon'ble High Court of Karnataka, time being petition may be dismissed as not pressed.

In view of the memo petition is dismissed as not pressed for time being.

ASCJ, SRIRANGAPATNA

MA 10/2022: 30.11.2022

Sri. SSP advocate for appellant filed application u/o 23 rule 1 of CPC seeking permission to withdraw the Mis Appeal.

Perused IA and same is allowed.

The Mis Appeal is disposed off and appellant is at liberty to file RA on the same course of action.

ASCJ, SRIRANGAPATNA

EX 25/2022: 30.11.2022

Sri. SM advocate filed memo. In view of pending MFA before the Hon'ble High Court of Karnataka, time being petition may be dismissed as not pressed.

In view of the memo petition is dismissed as not pressed for time being.

ASCJ, SRIRANGAPATNA

O.S.78/2016

Sri. D.G. Advocate for defendant No.2 filed I.A.No.12 u/s 151 of CPC seeking reopen the case from the stage of argument and also filed I.A.No.13 U/o 8 R.1(3) of CPC seeking permission to produce list with documents by condoning the delay and along list with one document.

On the other hand Sri.M.S.R. Advocate for plaintiff submits no objection to allow the I.A.No.12 and 13 filed by the defendant No.2.

Perused I.A. and affidavits and same are allowed in the interest of justice and equity.

Case is re-opened and list with document taken as on record.

Sri. D.G. Advocate for defendant No.2 filed examination in chief of DW.4 by way of affidavit. Ex.D.8 is got marked. Call on for Cross examination of DW.4 by 05.12.2022.

ASCJ, SRIRANGAPATNA

OS 184/2022: 29.11.2022

Heard Sri. KK advocate for plaintiffs on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiffs have filed the present suit against the defendants for the relief of declaration and partition and separate possession of s56uit schedule properties contending that, suit schedule properties is joint family property of herself and defendants and she is entitled for share in the suit schedule properties.

Now the defendant No.1 is trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the property. Therefore, the plaintiffs prayed to grant exparte temporary injunction.

In support of their application the plaintiffs have sworn affidavit and produced Family G.Tree, RTC, MR, Non alienation order, Sketch, Sale deed, Mahazar, and Death Certificate of deceased Srinivasa and Timmegowda pertaining to suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiffs claims that they are entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiffs are to be considered as they claimed to be member of joint family. If the defendants alienated the properties the plaintiffs will be put to hardship and it would lead the multiplicity not to alienate of the proceedings.

Therefore, at this stage it appears that, plaintiffs have made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No.1 as prayed in I.A.No.I and direct the defendant No.1 not to alienate the suit schedule Item No.2 property if the plaintiffs comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 30.01.2023.

ASCJ, SRIRANGAPATNA

OS 132/2021: 29.11.2022

Sri. BCB advocate for defendant No.8 to 10 filed I.A. No.VI U/o 8 Rule 1(a) r/w Sec. 151 of CPC seeking permission to file written statement of defendant No.8 to 10 along with written statement of defendant No.8 to 10 and in connection with affidavit.

Advocate for plaintiff submits that IA No.VI filed by the defendant No.8 to 10 may be allowed.

Perused the I.A. and affidavit and same is allowed and written statement of defendant No.8 to 10 taken on record and call on for compliance U/s 89 of CPC by 02.01.2023.

ASCJ, SRIRANGAPATNA

EX 20/2020: 28.11.2022

Reissue attachment warrant of movables of Jdr if PF is paid.

Later counsel for Dhr is present and submits that the time being EP may be dismissed as not pressed.

In view of submission EP is dismissed as not pressed.

ASCJ, SRIRANGAPTNA

MVC 859/2018: 28.11.2022

Sri. PAS advocate for R-2 filed IA No.5 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Sri. MGP advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 3 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 5 is allowed. R-2 is permitted to take defense.

And also filed memo along with copy of insurance policy, on the consent of counsel for petitioner policy is got marked as Ex.R.1. Further respondent evidence is closed.

Call on for arguments by 03.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1229/2019 & 1230/2019:
28.11.2022

Sri. SSP advocate for petitioner filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. SSP advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 19.12.2022 and direct respondent No.1 to appear before this Court on 29.01.2023.

Sri. SSP advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 29.01.2023.

ASCJ & MACT, SRIRANGAPATNA

MVC 1521/2020: 28.11.2022

Sri. NP advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with affidavit.

And also filed IA No.2 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

On the other hand Sri. MGP advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 2 is allowed. R-2 is permitted to take defense and written statement of respondent No.2 taken as on record.

Issues framed. Call on for petitioner evidence by by 02.01.2022

ASCJ & MACT, SRIRANGAPATNA

Rev Pet. 3/2018: 25.11.2022

Case is called out. No representations. Perused order sheet, the petitioner has filed this petition in the year 2018.

After filing of this petition, notice were issued, service of notice, respondents did not appeared. Hence, they have placed exparte. Then case was posted for petitioner evidence / enquiry.

The petitioner is continuously absent, it shows that, the petitioner is not interested to proceed with the case against the respondent. Hence, petition is dismissed for non-prosecution.

ASCJ, SRIRANGAPATNA

EX 42/2021: 25.11.2022

Sri. DRN advocate for Dhr filed memo stating that the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

In view of the memo filed by the counsel for Dhr, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

OS 2/2021: 25.11.2022

Case called out. Counsel for plaintiff is present. Sri. HR advocate for plaintiff submits that case is settled between the out of court. Hence, prayer may be noted and necessary orders may be passed.

Perused order sheet, case is set out for To hear on IA No.1. From the date of appearance of defendants case is set out for same reason and sufficient opportunity has been given to the plaintiff. Hence, prayer is rejected and suit of the plaintiff is dismissed for default.

ASCJ, SRIRANGAPATNA

MVC NO. 754/2020: 25.11.2022

Petitioner and their counsels Sri. MGP Advocate and Sri. TGT Advocate for respondents are present and identified their parties. They submit that the matter is likely to be settled before the Court and prayed to held conciliation. Perused record and satisfied. Hence, the case is posted for conciliation.

Conciliation held. On due negotiation and on the advise of their counsels both parties have agreed to settle the matter amicably. In this regard, they filed a joint memo and pray to pass suitable order. Perused joint memo. The contents of joint memo read and explained to both the parties in the language known to them. They admitted the same as true and correct and pray to pass order accordingly. As per joint memo, the respondents have agreed to pay a sum of Rs.5,50,000/- (Rupees Five Lakhs fifty thousand only) as full and final amount to the petitioner towards claim amount within three months. The petitioner has also agreed to receive the said amount as full and final settlement. It appears from record that the petitioner has filed this petition for compensation for injuries sustained by deceased Murugesha in a road accident by a vehicle which has been insured with Respondents. Having regard to the facts and circumstances of the case, I am of the opinion that the terms of compromise is reasonable, lawful and acceptable in the interest of both parties. Hence, the joint memo is allowed and parties are permitted to settle the matter as per their joint memo.

The respondents have already paid Rs.2,75,000/- out of the settled

amount on 15.10.2022 and today the respondents have paid Rs.2,75,000/-. Perused order sheet the respondents have paid entire settled amount. Hence, joint memo filed by the both parties is hereby allowed and case is disposed off.

ASCJ & MACT, SRIRANGAPATNA

MVC 465/2019: 25.11.2022

PW1 present. Ex.p.8 to 11 are got marked. Fully cross examined.

Sri. NMM advocate for petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. PAS advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 23.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 497/2022: 25.11.2022

Sri. SS advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. CKP advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 16.12.2022

ASCJ & MACT, SRIRANGAPATNA

OS 36/2022: 25.11.2022

Sri. MJK advocate for plaintiff filed IA No.4 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendants. Heard arguments on IA No.4 and perused record. It appears that though this court has issued summons to defendants on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendants. Hence, IA No.4 is allowed. Consequently, the plaintiff is permitted to take sub service against defendants by way of paper publication.

Sri. MJK advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendants reside or carries business for his livelihood on or before 12.12.2022 and direct defendants to appear before this court on 30.01.2023.

Sri. MJK advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendants by 30.01.2023.

ASCJ, SRIRANGAPATNA

MVC 859/2022: 25.11.2022

Sri. MJS advocate for respondent No.1 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.1 along with vakalath, objection and list with documents.

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.1 is hereby set aside and objection taken as on record.

Sri. VV advocate for respondent No.2 filed written statement of respondent No.2.

Issues framed. Call on for petitioner evidence by 22.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 670/2020: 24.11.2022

Sri. GSN advocate for petitioner filed IA No.2 U/o 26 rule 9 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SEL advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. GSN advocate for petitioner suggests name of Sri. AKA advocate as Commissioner for examination of petitioner.

Sri. AKA advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. AKA advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GSN advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 30.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 66/2020: 23.11.2022

Sri. SKG advocate for petitioner filed IA No.3 U/o 26 rule 10(a) r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. MSV advocate for respondent No.3 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. SKG advocate for petitioner suggests name of Sri. Adarsh K.R. advocate as Commissioner for examination of petitioner.

Sri. Adarsh K.R.advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. Adarsh K.R. advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. SKG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 29.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1077/2022: 23.11.2022

Sri. SSK advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath and objection statement.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity and exparte order passed against the respondent No.1 is hereby set aside written statement of respondent No.1 taken as on record.

Call on for issues by 20.12.2022

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 27.12.2022

ASCJ & MACT, SRIRANGAPATNA

Sri. MS advocate for defendant No.13 has filed an application for return of original documents submitted on 15.06.2019.

Office is directed to return original documents with proper identification.

ASCJ, SRIRANGAPATNA

FDP 10/2019: 23.11.2022

The petitioner No.1 to 4 are absent. Counsel for petitioner No.1 to 4 is present.

The petitioner No.1 to 4 have filed the application u/s 151 of CPC seeking pass an order for revalidates the final decree obtained by the petitioner No.1 to 4.

Perused IA and affidavit, the petitioner No.1 to 4 stated that they have obtained final decree on stamp paper from this court but they are not produced before the Sub Registrar for registration is in time due to unavailable circumstances, the reasons assigned by the petitioner No.1 to 4 is to be acceptable one. Therefore, I proceed to pass following,

ORDER

The application u/s 151 of CPC filed by the petitioner No.1 to 4 is hereby allowed.

Office is directed to revalidates the decree.

I/c PSCJ, SRIRANGAPATNA

OS 65/2022: 23.11.2022

Sri. BNG advocate for defendant No.10 and 11 filed IA No.2 U/s 151 of CPC seeking permission to file written statement of defendant No.5 along with written statement of defendant No.10 and 11 and in connection with affidavit.

Plaintiff and their counsels called out. Absent. Hence, objection taken as not filed.

Perused the IA and affidavit and same is allowed with cost of Rs.200/- and written statement of defendant No.10 and 11 taken on record.

Sri. KK advocate filed written statement of defendant No.4 and 5 call on for steps by 16.12.2022.

I/c PSCJ, SRIRANGAPATNA

OS 7/2018: 23.11.2022

Sri. NL advocate for plaintiff filed IA No.10 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.7 Heard arguments on IA No.10 and perused record. It appears that though this court has issued summons to defendant No.7 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendants No.7 Hence, IA No.10 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.7 by way of paper publication.

Sri. NL advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.7 reside or carries business for his livelihood on or before 12.12.2022 and direct defendant No.2 and 4 to appear before this court on 24.01.2023.

Sri. NL advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.7 and issue notice to Lrs of defendant No.2 on IA No.9. by 24.01.2023.

I/c PSCJ, SRIRANGAPATNA

MVC 1670/2017: 22.11.2022

CASE IS CALLED OUT. NO REPRESENTATION.

PERUSED ORDER SHEET, THE PETITIONER HAS FILED THIS PETITION IN THE YEAR 2017, FROM DATE OF FILING OF THIS PETITION, THE PETITIONER IS CONTINUOUSLY ABSENT AND PROPER STEPS NOT TAKEN AGAINST THE RESPONDENT NO.1. IT SHOWS THAT, THE PETITIONER IS NOT INTERESTED TO PROCEED WITH THE CASE AGAINST THE RESPONDENTS. HENCE, PETITION US DISMISSED FOR DEFAULT.

ASCJ & MACT, SRIRANGAPATNA

MVC 72/2021: 22.11.2022

Sri. KPK advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. DCG advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 20.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1115/2022: 22.11.2022

Sri. KPK advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. GPJ advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 21.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 697/2022: 22.11.2022

Sri. CKS advocate for respondent No.1 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 along with Objection statement of respondent No.1 and in connection with affidavit.

On the other hand Sri. MKS advocate for petitioner submits no objection.

Perused the IA and affidavit and same is allowed and written statement of respondent No.1 taken as on record.

Call on for written statement of respondent No.2 by 12.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 62/2021: 22.11.2022

Sri. RB advocate of petitioner filed IA No.4 u/s 151 of CPC seeking for reopen the case in order to file necessary application and also filed IA No.5 u/o 16 rule 1 and 6 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. SP advocate for respondent No.1 and 2 submits no objection to allow the IA No.4 and 5.

Perused IA's and affidavits and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witness as prayed in the IA. Call on for further petitioner evidence by 19.12.2022

ASCJ & MACT, SRIRANGAPATNA

OS 20/2021

Orders on IA No.6

1. The application filed by the plaintiff u/o 6 rule 17 r/w Sec. 151 of CPC seeking pass an order for amendment as sought in the application for the reasons set out in the affidavit annexed to the application.

2. In the affidavit on oath the plaintiff has contended that, the plaintiff has filed this suit against the defendant for declaration and permanent injunction in respect of suit schedule property by virtue of survey report in FDP No.26/2006 on the file of this court. That on 02.01.2022 the defendant trespassed on the Southern portion of the plaint schedule property and dispossess the plaintiff from the plaint schedule property nearly 2 guntas of land and dumped the mud and erected stone pillars, when plaintiff came to known the illegal acts from the defendant, filed complaint to jurisdictional police through RPAD. Hence, the defendant is liable to pay the damages by way of mesne profit at monthly of Rs.10,000/-. The amendment as sought in the application is very essential to decide the matter on merits. The filing of application is only for bonafide reason and not unintentional one. If the application is not allowed it will leave the multiplicity of the proceedings. No injustice and hardship and damages caused to be other side. Hence, the plaintiff sought for allow the allowing application in the interest of justice and equity.

3. The defendant has filed objection and stating that, the application is not maintainable either in law or on facts. The suit filed by the plaintiff against the defendant for for declaration and permanent injunction in respect of suit schedule property. The present application is filed without any jurisdiction, to drag on the proceedings with an intention to harass to defendant. The plaintiff has come up with the present application. All the reasons narrated in the affidavit are untrue, created and concocted by obtaining the relief from the hands of the court. When the case is posted for further evidence of plaintiff at the time of commencement of the trail the plaintiff has come up with the present application. Hence, prays for dismissal of the application with cost.

4. On the basis of application and objection the point for consideration is,

1. Whether applicant/plaintiff has made out a ground to allow the present application for the reasons as set out in the affidavit at this stage ?

2. What order ?

5. My answer to the above said point are as follows:

Point No.1. In the affirmative.

Point No.2. As per the final order for the following:

REASONS

6. On perusal of the entire record along with pleadings it reflects that, the suit is one for declaration and permanent injunction in respect of suit schedule property. After filing the written statement, the defendant has filed application u/o 26 rule 9 of CPC for appointment of court commissioner to measure the suit schedule property. The plaintiff filed the objections after that this court has passed an order for appointment of commission by allowing the IA No.2 filed by the defendant and court commissioner has submitted his report on 18.09.2021 and case was posted for objection to commission report if any. By that time the plaintiff has come up with this application for amendment of plaint on the changed circumstances. Basically the plaintiff has filed the suit against the defendant for declaration and permanent injunction. During the pendancy of the suit the defendant has trespassed and dispossess the plaintiff from the suit schedule property i.e. 2 guntas. Now the plaintiff sought for recovery of possession and mandatory injunction against the defendant. The amendment sought in the application it is nothing but a consequential relief. It is in no way change the cause of action, nature of the suit or take away the right already accrued to the defendant. On the other hand when it is posted for evidence of plaintiff by that time the plaintiff has come up with the present application. Before the commencement of the trail the application is filed.

7. As per order 6 rule 7 of CPC the court may at any stage of proceedings allow either party alter or amend the pleadings in such manner and on such terms as may be just and all such amends shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. But embargo in the form of proviso it is clearly held that, no application for amendment shall be allowed after commencement of trail unless the court comes to conclusion that inspite of due diligence, the party could not have rise the matter before the commencement of the trail. The objection filed the defendant No.1 has raised that, only with an intention to drag the proceedings the present application is filed. But it is not acceptable. When it is posted for further evidence of plaintiff. The plaintiff has come up with the present application. The reasons for amendment as sought in the application properly narrated by the plaintiff. The plaintiff has made out a ground for allow the application. The amendment as sought in the application will not change the nature of the suit, cause action are take away right already accrued to the defendant. Apart from the above said

discussion the plaintiff has come up with the application with commencement of trail with stage. In view of the above said discussion I answer, Point No.1. In the affirmative.

8. Point No.2. In view of above said discussion at point No.1, I proceed to pass the following,

ORDER

The IA No.6 filed by the plaintiff u/o 6 rule 17 r/w sec. 151 of CPC is hereby allowed with cost of Rs.200/-.

The plaintiff is hereby directed to carried out amendment in the plaint.

Call on for amendment and amended plaint by 29.11.2022.

Addl. Senior Civil Judge,
Srirangapatna

RA 12/2022: 21.11.2022

Sri. NKS advocate for appellant is present. Prays time for arguments.

Perused order sheet, already sufficiently has been given to appellant. Hence, prayer is rejected and appeal is dismissed for default.

ASCJ, SRIRANGAPATNA

EX 174/2010: 21.11.2022

Case is called out. Sri. NS advocate for Dhr is present prays time for steps.

Perused order sheet, almost all the Jdr has paid the Execution Petition amount and this petition is pending from 2010 and this court has given sufficient opportunity to the Dhr, for taken steps against the Jdr. Hence, prayer is rejected and EP is dismissed for default.

ASCJ, SRIRANGAPATNA

OS 182/2022: 21.11.2022

Heard Sri. DRN advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule properties contending that, suit schedule properties is joint family property of herself and defendants and she is entitled for share in the suit schedule properties.

Now the defendants are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the property. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of her application the plaintiff has sworn affidavit and produced Family G.Tree, Sale agreement and RTC pertaining to suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiff claims that she is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-

facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendants as prayed in I.A.No.I and direct the defendants not to alienate the suit properties if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 15.12.2022.

ASCJ, SRIRANGAPATNA

Additional issues framed. Call on for further petitioner evidence by 26.12.2022

ASCJ & JMFC, SRIRANGAPATNA

MVC 1393/2017: 17.11.2022

Sri. NVR advocate for petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. GKP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. NVR advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NVR advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 23.12.2022.

ASCJ & MACT, SRIRANGAPATNA

ECA 4/2015: 16.11.2022

Sri. ATJ advocate for petitioner is present and filed memo.

Perused memo, the petitioner has filed this petition against the respondents for compensation pertaining to the Crime No.649/2011 which is registered by the Srirangapatna Police Station. After registering the case the police have filed B.Report, now the petitioner has challenged the B.Report submitted by the police which is pending before the Addl. Civil Judge & JMFC Court, Srirangapatna. Today the petitioner has filed the memo stating that the petitioner is withdraw the petition and seeking to file fresh petition on the same cause of action after necessary orders passed in Crime No.646/2011. Perused memo and same is accepted.

In view of the memo filed by the counsel for petitioner the petition is disposed off.

The petition is at liberty to file fresh claim petition against the respondent after necessary orders passed in Crime No.646/2011 on the same cause of action.

ASCJ, SRIRANGAPATNA

EX 84/2014: 16.11.2022

The Dhr has filed this Execution Petition against the Jdr in the year 2014.

Perused order sheet, from the date of filing of this execution petition, this court has issued to process against the Jdr. But the Dhr is not complied orders inspite of given sufficient opportunity to the Dhr. And Dhr and their counsels are also continuously absent. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, I proceed to pass following,

ORDER

The execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

EX 128/2014: 16.11.2022

The Dhr has filed this Execution Petition against the Jdr in the year 2014.

Perused order sheet, from the date of filing of this execution petition, this court has issued to process against the Jdr. But the Dhr is not complied orders inspite of given sufficient opportunity to the Dhr. And Dhr and their counsels are also continuously absent. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, I proceed to pass following,

ORDER

The execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

EX 136/2014: 16.11.2022

The Dhr has filed this Execution Petition against the Jdr in the year 2014.

Perused order sheet, from the date of filing of this execution petition, this court has issued to process against the Jdr. But the Dhr is not complied orders inspite of given sufficient opportunity to the Dhr. And Dhr and their counsels are also continuously absent. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, I proceed to pass following,

ORDER

The execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

EX 138/2014: 16.11.2022

The Dhr has filed this Execution Petition against the Jdr in the year 2014.

Perused order sheet, from the date of filing of this execution petition, this court has issued to process against the Jdr. But the Dhr is not complied orders inspite of given sufficient opportunity to the Dhr. And Dhr and their counsels are also continuously absent. It shows that the Dhr is not interested to proceed with the case against the Jdr. Hence, I proceed to pass following,

ORDER

The execution petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 23.12.2022

ASCJ & MACT, SRIRAGAPATNA

MVC 451/2021: 16.11.2022

Sri. MGP advocate for petitioner filed a memo to club MVC 288/2021, 289/2021 and 451/2021 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 288/2021 and 289/2021 are clubbed with MVC 451/2021 and common evidence recorded in MVC 451/2021.

Petitioner in MVC 228/2021, 229/2021 and 451/2021 are present and filed their affidavit in lieu of their examination in chief. PW1 and 2 are examined as PW1 and 2 and Ex.P.1 to 15 are got marked and partly examined as PW3 and Ex.P.16 to P.20 are got marked.

Call on for cross examination of PW1 and PW2 and further chief of PW3 by 06.12.2022

ASCJ & MACT, SRIRANGAPATNA

OS 60/2019: 16.11.2022

Smt. BRL advocate for defendant No.5 filed I.A. No.1 U/s 151 of CPC seeking permission to file written statement of defendant No.5 along with written statement of defendant No.5 and in connection with affidavit.

Advocate for plaintiff submits that IA No.1 filed by the defendant No.5 may be allowed with cost.

Perused the I.A. and affidavit and same is allowed with cost of Rs.1,000/- and written statement of defendant No.5 taken on record and call on for compliance U/s 89 of CPC by 24.11.2022.

ASCJ, SRIRANGAPATNA

OS 114/2022: 16.11.2022

Sri. NKS advocate for defendant No.1 and 5 filed IA No.3 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 1 and 5 along with vakalath.

On the other hand Sri. JS advocate for plaintiff submits IA may be allowed.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.1 and 5 is hereby set aside.

Reissue SS to defendant No.1 to 3 through RPAD and written statement of defendant No.1 and 5 by 12.12.2022

ASCJ, SRIRAGAPATNA

OS 14/2021: 16.11.2022

Sri. HSM advocate for defendant No.19 filed I.A. No.3 U/s 151 of CPC seeking permission to file written statement of defendant No.19 along with written statement of defendant No.19 and in connection with affidavit.

Advocate for plaintiff submits that IA No.3 filed by the defendant No.19 may be allowed with cost.

Perused the I.A. and affidavit and same is allowed with cost of Rs.200/- and written statement of defendant No.19 taken on record and call for steps and appearance of other defendants by 13.12.2022.

ASCJ, SRIRANGAPATNA

MVC 867/2021: 16.11.2022

Smt. MVG advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. DCG advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 02.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 923/2022: 16.11.2022

Sri. DMM and SJD advocate for respondent No.1 and 2 have filed IA No.1 and 2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondents along with vakalath.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused IA's and affidavit have satisfied and same are allowed in the interest of justice and equity. And exparte order passed against the respondents is hereby set aside.

Call on for written statement of respondent No.1 and 2 by 13.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 938/2022: 16.11.2022

Sri. SJD advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No.2 along with vakalath.

On the other hand Sri. DS advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 06.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1599/2020: 16.11.2022

Sri. TNS advocate of petitioner filed IA No.3 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. KMB advocate for respondent No.2 submits no objection to allow the IA No.3.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

And Sri. TNS advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. KMB advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. TNS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. TNS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 22.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 2279/2019: 16.11.2022

Sri. ATJ advocate for petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NVR advocate for respondent submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. ATJ advocate for petitioner suggests name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ATJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 21.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1437/2017: 15.11.2022

Sri. CKS advocate for petitioner is present. Prays time for petitioner evidence.

Perused order sheet, already has given sufficient opportunity to the petitioner to lead his evidence. But the petitioner is continuously absent. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC NO. 1093/2021: 15.11.2022

Case is advanced as per application filed by advocate for petitioner. Hence, case is advanced to this date for settlement before the court.

Petitioner, Smt. LJ Advocate for petitioner and Sri. SJD Advocate for R-2 are present and identified their parties. They submit that the matter is likely to be settled before the Court and prayed to held conciliation. Perused record and satisfied. Hence, the case is posted for conciliation.

Conciliation held. On due negotiation and on the advise of their counsels both parties have agreed to settle the matter amicably. In this regard, they filed a joint memo and pray to pass suitable order. Perused joint memo. The contents of joint memo read and explained to both the parties in the language known to them. They admitted the same as true and correct and pray to pass order accordingly. As per joint memo, the respondent No.2 has agreed to pay a sum of Rs.5,75,000/- (Rupees Five Lakhs seventy five thousand only) as full and final amount to the petitioner towards claim amount within three months. The petitioner has also agreed to receive the said amount as full and final settlement. It appears from record that the petitioner has filed this petition for compensation for injuries sustained by him in a road accident by a vehicle which has been insured with Respondent No.2. Having regard to the facts and circumstances of the case, I am of the opinion that the terms of compromise is reasonable, lawful and acceptable in the interest of both parties. Hence, the joint

memo is allowed and parties are permitted to settle the matter as per their joint memo.

The respondent No.2 shall deposit the amount as mentioned in the joint memo within three months to this Tribunal.

Smt. LJ Advocate for petitioner submits that the petitioner already spent huge amount for his medical expenses and therefore, he prays to release entire amount. Therefore, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to to release the entire amount.

On deposit of compensation amount, the petitioner is entitled for release of entire award amount.

The petitioner is hereby directed furnish name of the bank, account number and IFSC Code of bank in the office for payment and after furnishing such details it is directed to the office to release entire amount to the petitioner by way of K2 system.

Draw award accordingly.

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 20.12.2022

ASCJ & MACT, SRIRAGAPATNA

MVC 1062/2022: 15.11.2022

Sri. RK advocate for respondent No.1 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 1 along with vakalath.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.1 is hereby set aside.

Call on for written statement of respondent No.1 and 2 by 06.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 2050/2019: 15.11.2022

Sri. GKP advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 23.11.2022

ASCJ & MACT, SRIRANGAPATNA

ECA 2/2019: 15.11.2022

Sri. DRN advocate for petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SEL advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. DRN advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DRN advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 09.12.2022.

ASCJ & MACT, SRIRANGAPATNA

OS 176/2022: 14.11.2022

Heard Sri. KSN advocate for plaintiffs on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiffs has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule property contending that, suit schedule property is joint family property of herself and defendants and she is entitled for share in the suit schedule property.

Now the defendant No.1, 2, 7 and 8 are trying to alienate the suit schedule property by taking undue advantage of revenue record. As such it is necessary to restrain the defendant No. No.1, 2, 7 and 8 from alienating the property. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of her application the plaintiffs have sworn affidavit and produced Family G.Tree, MR extract and RTC pertaining to suit schedule property.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendant No.1, 2, 7 and 8 alienating the suit schedule property. The plaintiffs claims that they are entitled for share in the suit schedule property.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiffs will be put to hardship and it would lead the multiplicity not to alienate of the proceedings.

Therefore, at this stage it appears that, plaintiffs have made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No.1, 2, 7 and 8 as prayed in I.A. No.I and direct the defendants not to alienate the suit property if the plaintiffs comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 17.12.2022.

ASCJ, SRIRANGAPATNA

EX 59/2022: 14.11.2022

Sri. DPK advocate for Dhr filed memo stating that the Dhr has taken possession from the Jdr. Hence, EP may be closed as EP is fully satisfied. In view of the memo filed by the counsel for Dhr. EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

OS 134/2022: 14.11.2022

Written statement of defendant No.6 and 7 taken as not filed.

Sri. MRV advocate for defendant No.1 and 4 filed IA No.5 u/s 148 of CPC for extension of time to file written statement.

Sri. NVR advocate for defendant No.5(g) filed IA No.6 u/s 148 of CPC for extension of time to file written statement.

Perused IA No.5 and 6 and same are allowed.

Sri. AKA advocate for defendant No.2 filed IA No.7 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 2 along with vakalath.

On the other hand Sri. IKR advocate for plaintiff submits IA may be allowed.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.2 is hereby set aside.

Call on for written statement of defendant No.2 by 05.12.2022

ASCJ, SRIRAGAPATNA

OS 22/1998

The plaintiffs have filed this suit against the defendants for partition and separate possession over the suit schedule properties on 20.02.1998, after filing of the suit, suit summons were issued against the defendants. They have appear and filed written statement, after contest the suit, this suit was decreed on 27.06.2007.

Thereafter the defendants have preferred an appeal in RA No.114/2007 before the Hon'ble Fast Track Court, Srirangapatna. In the said appeal the decree passed by this court has been set aside and remanded the matter.

As per the direction of the Hon'ble Fast Track Court, Srirangapatna, re instituted the suit and proceeded again that on 30.07.2012. The suit of the plaintiff was partly decreed. Against that decree the defendants have once again preferred an appeal before the Hon'ble III Addl. District and Sessions Judge, Srirangapatna in RA No.118/2012 and the said appeal was disposed off on 14.09.2015 and again set aside the judgment of this court and remanded the matter to this court. In the meanwhile so many parties were died, their Lrs are brought on record and both parties have filed several IA's.

Due to Covid-19 from March 2020 till February 2022 proceedings are not been done for so many SOP's of the Hon'ble High Court of Karnataka.

As per the directions of the

Hon'ble III Addl. District and Sessions Judge, Srirangapatna, this court has given an opportunities to the both parties to adduce evidence and produce documents and heard arguments. Now the case is posted for judgment on 16.11.2022.

ASCJ, SRIRANGAPATNA

MVC 293/2019: 09.11.2022

Sri. GSN advocate for petitioner is present. Prays time for petitioner evidence.

Perused order sheet, already has given sufficient opportunity to the petitioner to lead their evidence. But the petitioner is continuously absent. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 16.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1000/2022: 09.11.2022

Sri. KPK advocate for respondent No.1 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. GSN advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 06.12.2022

ASCJ & MACT, SRIRANGAPATNA

OS 140/2021: 09.11.2022

Sri. CSV advocate for defendant No.1, 2, 4 and 5 filed IA No.3 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 10 along with vakalath.

On the other hand Sri. HR advocate for plaintiff submits IA may be allowed.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.1, 2, 4 and 5 is hereby set aside.

Call on for written statement of defendant No.10 by 30.11.2022

ASCJ, SRIRAGAPATNA

EX 143/2018: 09.11.2022

The Jdr by name Vinod H.P. S/o Poovaiah, R/at Nidugane Village, Madikeri Taluk with produce under arrest warrant through Shanthaveeradhya, Bailiff in the Open Court at 11.30 a.m.

The Dhr and their counsel are present. Sri. GNR advocate for Dhr filed memo stating the Jdr has paid entire amount. Hence, EP may be closed as fully satisfied.

The Jdr is released in view of payment of entire amount. Case is referred to lok Adalath on 12.11.2022

ASCJ, SRIRANGAPATNA

MVC 795/2022: 08.11.2022

Sri. SB advocate for respondent No.1 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 06.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 779/2018: 08.11.2022

Sri. MVR advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. IKR advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. MVR advocate for petitioner suggests name of Sri. Shivanand advocate as Commissioner for examination of petitioner.

Sri. Shivanand advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. Shivanand advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MVR advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 07.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 285/2020: 08.11.2022

Sri. NMM advocate for petitioner filed IA No.1 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SB advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 1 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 07.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1103/2020: 08.11.2022

Sri. MGP advocate for petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SB advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 06.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1041/2020: 07.11.2022

Sri. BKP advocate for petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. SJD advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. BKP advocate for petitioner suggests name of Smt. TKC advocate as Commissioner for examination of petitioner.

Smt. TKC advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Smt. TKC advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. BKP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 30.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 686/2020: 07.11.2022

Sri. GBA advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MKS advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 22.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 741/2020: 07.11.2022

Sri. MNP advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 21.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 481/2020: 07.11.2022

Sri. MSV advocate for respondent No.2 filed IA No.4 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 21.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC.624/2018 : 05.11.2022

Afternoon session case was called out. The counsel for petitioner present and prays time for petitioner evidence.

Again case is called out at 5.45 pm., no representation. Perused Order sheet, the petitioner is continuously absent, it shows that, the petitioner is not interested to proceed with the case against the respondents. Hence petition is dismissed for default.

ASCJ, SRIRANGAPATNA

Ex.87, 88, 89/2012 : 05.11.2022

Again case is called out at 5.45 pm., no representation. Perused Order sheet, the DHR has filed this E.P. in the year 2012. This is the old Execution petition. This court has passed order against JDR. But the JDR is not complied the court order for so many hearing dates and steps not taken. It shows that, the DHR is not interested to proceed with the case against the JDR. Hence EP. is dismissed for default.

ASCJ, SRIRANGAPATNA

OS 172/2022: 05.11.2022

Heard Sri. VMP advocate for plaintiff on I.A. No.1 and perused the materials available on record.

Plaintiff has filed the present suit against the defendant for the relief of specific performance of contract in respect of suit schedule property contending that the defendant has executed registered sale deed dated: 21.09.2019 in his favor agreeing to sell suit schedule property for Rs.16,00,000/- and received Rs.10,00,000/- as advance on different dates and agreed to receive balance of Rs.6,00,000/- at the time of registration of sale deed. Though the plaintiff is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. Therefore, the plaintiff prayed to grant exparte temporary injunction. In support of her application the plaintiff has sworn an affidavit contending that the defendant have executed registered sale deed dated: 21.09.2019 in his favor agreeing to sell suit schedule property for Rs.16,00,000/- and received Rs.10,00,000/- as advance on different dates and agreed to receive balance of Rs.6,00,000/- at the time of registration of sale deed. Though he is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. The plaintiff has also produced original registered sale agreement dated 21.09.2019, executed in his favor by the defendant, RTC, Office copy of

Legal notices, Postal receipts and acknowledgement.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. At this stage, it appears that plaintiff has made out a prima-facie case to proceed against defendant. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

:ORDER:

Issue Exparte Temporary Injunction, against the defendant as prayed in I.A.No.I, if the plaintiff complies the provisions of order 39 rule 3 (a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendant if PF and copies furnished. R/by 16.12.2022.

ASCJ, SRIRANGAPATNA

EX. 36/2021: 05.11.2022

Heard arguments. The Dhr hs filed MVC No.1208/2018 agaisnt the Jdr on 29.08.2018 and said petition was allowed. Later the counsel for Jdr has filed application U/s 114 of CPC, and said application is allowed by this court on 04.11.2022 and Judgment and award has been set aside. Hence, this EP is not maintainable in Law. Therefore I proceed to pass following;

ORDER

The EP is dismissed for default.

ASCJ, SRIRANGAPATNA

OS 172/2022 : 05.11.2022

Heard Sri. VMP advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendant for the relief of

specific performance of contact of suit schedule propertie contending that, suit schedule properties are joint family property of herself and defendant and she is entitled for share in the suit schedule properties.

Now the defendant No.1 to 5 are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendant No.1 to 5 from alienating the properties. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of her application the plaintiff has sworn affidavit and produced Family G.Tree, MR, RTC pertaining to suit schedule properties and legal notice.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendant No.1 to 5 alienating the suit schedule properties. The plaintiff claims that she is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No. 1 to 5 as prayed in I.A.No.I and direct the defendants not to alienate the suit properties. if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 03.12.2022.

ASCJ, SRIRANGAPATNA

MVC 1586/2017: 05.11.2022

Smt. YJ advocate for petitioner filed IA No.8 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-4. Heard argument on IA No.8 and perused record. It appears that though this court has issued notice to R-4 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-4. Hence IA No.8 is allowed. Consequently, the petitioner is permitted to take sub service against R-4 by way of paper publication.

Smt. JY advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.4 reside or carries business for their livelihood on or before 17.11.2022 and direct respondent No.1 to appear before this Court on 21.12.2022.

Smt. YJ advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of R-4 by 21.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 264/2019: 04.11.2022

Case is called out at 5.45 p.m. No representation. Perused order sheet, the petitioner has field his chief examination affidavit on 10.03.2020 and petition was filed on 30.01.2019. From the date of filing his chief examination affidavit, till today the petitioner is continuously absent. It shows that, the petitioner is not interested to proceed with the case against the respondents. Hence, petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC 424/2019: 04.11.2022

Sri. DRN advocate of petitioner filed IA No.3 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. KPK advocate for respondent No.2 submits no objection to allow the IA No.3.

Perused IA and affidavits and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witness as prayed in the IA No.3. Call on for further petitioner evidence by 09.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 91/2020: 04.11.2022

Sri. MKS advocate for petitioner filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1. Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 by way of paper publication.

Sri. MKS advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 reside or carries business for their livelihood on or before 17.11.2022 and direct respondent No.1 to appear before this Court on 21.12.2022.

Sri. MKS advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper

publication to counsel for petitioner.

For compliance of order and appearance of R-1 by 21.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 839/2020: 04.11.2022

Sri. MKS advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NVR advocate for respondent submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 09.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1306/2021: 04.11.2022

Smt. GMV advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 21.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 496/2022: 04.11.2022

Sri. SS advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. CKP advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 25.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 2307/2019: 04.11.2022

Sri. NMM advocate for petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. BMS advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 09.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1170/2018: 04.11.2022

Sri. MGP advocate for R-2 filed IA No.1 U/o 16 rule 6 of CPC along with memorandum of facts for issue of summons to Aster MIMS Hospital, Calicut to produce MLC Extract and other documents pertaining to the injured petitioner by name Susheel.

Sri. BDP advocate for petitioner submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to Aster MIMS Hospital, Calicut to produce MLC Extract and other documents pertaining to the injured petitioner by name Susheel.

Call on for further petitioner evidence by 15.12.2022.

ASCJ & MACT, SRIRANGAPATNA

OS 174/2022: 04.11.2022

Heard Sri. DRN advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule property contending that, suit schedule property is joint family property of herself and defendants and she is entitled for share in the suit schedule property.

Now the defendant No.1 to 4 are trying to alienate the suit schedule property by taking undue advantage of revenue record. As such it is necessary to restrain the defendant No.1 to 4 from alienating the property. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of her application the plaintiff has sworn affidavit and produced Family G.Tree, Orders of Assistant Commissioner, Pandavapura, MR, RTC pertaining to suit schedule property.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendant No.1 to 4 alienating the suit schedule property. The plaintiff claims that she is entitled for share in the suit schedule property.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity not

to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No. 1 to 4 as prayed in I.A.No.I and direct the defendants not to alienate the suit property if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 12.12.2022.

ASCJ, SRIRANGAPATNA

MVC 100/2018: 04.11.2022

Sri. NK advocate for respondent No.1 filed IA No.4 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 along with Objection statement of respondent No.1 and in connection with affidavit.

On the other hand Sri. DRN advocate for petitioner submits no objection.

Perused the IA and affidavit and same is allowed and written statement of respondent No.1 taken as on record.

Call on for additional issues by 21.11.2022

ASCJ & MACT, SRIRANGAPATNA

OS 52/2020: 04.11.2022

The plaintiff No.2 and their counsels are present.

The plaintiff No.2 has filed the application u/s 151 of CPC seeking pass an order for revalidates the final decree obtained by the defendant.

Perused IA and affidavit, the plaintiff No.2 stated that he has obtained final decree on stamp paper from this court but he is not produced before the Sub Registrar for registration is in time due to unavailable circumstances, the reasons assigned by the plaintiff No.2 is to be acceptable one. Therefore, I proceed to pass following,

ORDER

The application u/s 151 of CPC filed by the plaintiff No.2 is hereby allowed.

Office is directed to revalidates the decree.

ASCJ, SRIRAGAPATNA

MISC 10/2019: 03.11.2022

Again at 5.45 p.m. Case is called out. Petitioner and their counsels are absent. No representation. Perused order sheet the petitioner has filed this petition against the respondents on 21.08.2019 for restoration of OS No.136/2017 after filing of this petition, notice were issued to the respondents, the respondent No.2 is appeared through their counsels on 23.03.2021 and passed an order for reissue notice to respondent No.2 on 23.03.2021, but the petitioner is not paid PF. Hence, case was posted for steps, after given sufficient opportunities to the petitioner. The petitioner is not ready to taken steps against the respondent No.2. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

OS 76/2019: 03.11.2022

Again at 5.45 p.m. Case is called out. Plaintiff and their counsels are absent. No representation. Perused order sheet the plaintiff has filed this suit against the defendants on 29.07.2019, after filing of this suit, suit summons were issued to the defendants, some of the defendants have appeared through their counsels, but they have not filed any written statements by giving sufficient opportunities. Thereafter case was posted for evidence by 03.02.2020. Then the plaintiff has taken 10 adjournments and filed examination in chief of PW1 by way of affidavit on 15.02.2021 and case was deferred for further chief of PW1 from the date of filing of her chief examination affidavit are till today plaintiff and their counsels are absent. It shows that the plaintiff is not interested to proceed with the case against the defendants. Hence, suit is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MA 2/2021: 03.11.2022

Case called out.

The counsel for appellant is present and filed memo stating that the appellant and respondents have settled the matter on the advice of their elders and well wishers. Hence, appeal may be dismissed as not pressed.

In view of the memo filed by the counsel for appellant appeal is dismissed as not pressed.

ASCJ, SRIRANGAPATNA

EX 100/2018: 03.11.2022

Case called out.

Dhr is absent. Counsel for Dhr is present. He submits that the Dhr is not come forward. Hence, prayer may be noted and petitioner may be dismissed.

In view of the submission made by the counsel for Dhr, Execution Petition is dismissed for default.

ASCJ, SRIRANGAPATNA

EX 99/2018: 03.11.2022

Case called out.

Dhr is absent. Counsel for Dhr is present. He submits that the Dhr is not come forward. Hence, prayer may be noted and petitioner may be dismissed.

In view of the submission made by the counsel for Dhr, Execution Petition is dismissed for default.

ASCJ, SRIRANGAPATNA

OS 98/2021: 03.11.2022

Sri. GN advocate for defendant No.10 filed IA No.5 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 10 along with vakalath.

On the other hand Sri. HR advocate for plaintiff submits IA may be allowed.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.10 is hereby set aside.

Call on for written statement of defendant No.10 by 22.11.2022

ASCJ, SRIRAGAPATNA

OS 12/2017: 02.11.2022

Case called out at 5.40 p.m.

The plaintiff and their counsels are absent. No representation. Perused order sheet the plaintiff has filed this suit against the defendants on 28.01.2017. During the pendancy of the suit the defendant No.3 died after given sufficient opportunity to the plaintiff, the plaintiff did not taken steps. It shows that the plaintiff is not interested to proceed with the case against the defendants. Hence, suit is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MVC 551/2019: 02.11.2022

PW1 present. Fully cross examined.

Sri. GN advocate for R-2 filed IA No.3 U/o 16 rule 6 of CPC along with memorandum of facts for issue of summons to CMO, JSS Hospital, Mysore to produce MLC Extract of injured petitioner by name Vishwanath.

Sri KMN advocate for petitioner submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to CMO, JSS Hospital, Mysore Vishwanath.

Call on for further petitioner evidence by 29.11.2022.

ASCJ & MACT, SRIRANGAPATNA

ECA 2/2020: 02.11.2022

Sri. KPK advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. NMG advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 17.11.2022

ASCJ & MACT, SRIRANGAPATNA

Ex.40/2021 : 31.10.2022

Again at 5.45 pm., case is called out. No representation. Perused the order sheet. The DHR has filed this E.P. on 17.04.2021 and issued cause notice to JDR for so many times. But the DHR is not paid the P.F. it shows that, the DHR is not interested to proceed with the case against the JDR. Hence E.P. is dismissed for non-prosecution.

ASCJ, SRIRANGAPATNA

OS 168/2022: 31.10.2022

Heard Sri. SLG advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule properties contending that, suit schedule properties are joint family property of herself and defendants and she is entitled for share in the suit schedule properties.

Now the defendant No.1 to 5 are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendant No.1 to 5 from alienating the properties. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of her application the plaintiff has sworn affidavit and produced Family G.Tree, MR, RTC pertaining to suit schedule properties and legal notice.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendant No.1 to 5 alienating the suit schedule properties. The plaintiff claims that she is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship

and it would lead the multiplicity not to alienate of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then thing not to alienate s may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No. 1 to 5 as prayed in I.A.No.I and direct the defendants not to alienate the suit properties. if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 03.12.2022.

ASCJ, SRIRANGAPATNA

OS 90/2021: 31.10.2022

Sri. MRV advocate for defendant No.1 and 2 filed IA No.6 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 1 and 2 along with vakalath.

On the other hand Sri. KSV advocate for plaintiff submits IA may be allowed.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.1 and 2 are hereby set aside.

Call on for written statement of defendant No.1 and 2 by 22.11.2022

ASCJ, SRIRAGAPATNA

MVC 2212/2019: 31.10.2022

Sri. KVY advocate for petitioner filed IA No.2 U/o 16 rule 1 and 6 r/w 151 of CPC along with affidavit for issue of summons to Dr. Karunakar, Orthopedic Surgeon, Nagarajegowda Memorial Hospital, Mysore to produce documents and give evidence.

On the other hand Sri. NP advocate for R-2 submits no objection. Heard arguments and perused record, IA and accompanied affidavit. It appears that the petitioner has sought for issue of summons to Dr. Karunakar, Orthopedic Surgeon, Nagarajegowda Memorial Hospital, Mysore to produce document pertaining to treatment taken by petitioner for injuries sustained in the accident for which the petitioner has sought for compensation. Hence, having regard to the facts and circumstances of the case I am of the opinion that it is a fit case to issue summons to Dr. Karunakar, Orthopedic Surgeon, Nagarajegowda Memorial Hospital, Mysore to produce documents give evidence for adjudication of matter in dispute. Hence, IA is allowed. PF paid.

Issue summons to witness and produce documents as sought for in the application to this Court by next date of hearing. Call on for further petitioner evidence by 21.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1249/2019: 31.10.2022

Sri. NP advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. ANK advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

And also filed IA No.3 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

On the other hand Sri. ANK advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 2 is allowed. R-2 is permitted to take defense.

Call on for issues by 28.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1005/2019: 29.10.2022

Sri. MKS advocate for petitioner filed IA No.1 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NVR advocate for respondent submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 1 is allowed. Consequently, Commissioner is appointed.

Sri. MKS advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MKS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 03.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 113/2021: 29.10.2022

Smt. GMV advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. KVY advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues framed by 03.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 949/2020: 29.10.2022

Sri. BDP advocate for respondent No.2 filed IA No.3 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. CKS advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 25.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 960/2020: 28.10.2022

Sri. DCG advocate for petitioner filed IA No.1 U/o 16 rule 1 and 6 r/w 151 of CPC along with affidavit for issue of summons to RMO, Narayana Multi Speciality Hospital, Mysore to produce documents and give evidence. R-1 called out. Absent. No representation. Hence, objection is taken as not filed.

On the other hand Sri. GKP advocate for R-2 submits no objection.

Heard arguments and perused record, IA and accompanied affidavit. It appears that the petitioner has sought for issue of summons to RMO, Narayana Multi Speciality Hospital, Mysore to produce document pertaining to treatment taken by petitioner for injuries sustained in the accident for which the petitioner has sought for compensation. Hence, having regard to the facts and circumstances of the case I am of the opinion that it is a fit case to issue summons to RMO, Narayana Multi Speciality Hospital, Mysore to produce documents give evidence for adjudication of matter in dispute. Hence, IA is allowed. PF paid.

Issue summons to witness and produce documents as sought for in the application to this Court by next date of hearing. Call on for further petitioner evidence by 03.12.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 673/2020: 28.10.2022

Sri. DCG advocate for petitioner filed IA No.6 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. GKP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 6 is allowed. Consequently, Commissioner is appointed.

Sri. DCG advocate for petitioner suggests name of Sri. NSC advocate as Commissioner for examination of petitioner.

Sri. NSC advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NSC advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DCG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 03.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 959/2020: 28.10.2022

Sri. DCG advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. GKP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. DCG advocate for petitioner suggests name of Sri. NSC advocate as Commissioner for examination of petitioner.

Sri. NSC advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NSC advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DCG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and

further evidence of petitioner by 03.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 959/2020: 28.10.2022

Sri. DCG advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. GKP advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. DCG advocate for petitioner suggests name of Sri. NSC advocate as Commissioner for examination of petitioner.

Sri. NSC advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NSC advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DCG advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and

further evidence of petitioner by 03.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1687/2019: 28.10.2022

Sri. CSS advocate for petitioner filed IA No.4 U/o 26 rule 9 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Smt. MVG advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. CSS advocate for petitioner suggests name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. CSS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by

03.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 401/2022: 28.10.2022

Sri. BMS advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. GPJ advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Issues framed. Call on for petitioner evidence by 25.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 986/2018: 28.10.2022

Sri. DGN advocate for R-2 filed IA No.2 U/o 16 rule 6 of CPC along with memorandum of facts for issue of summons to CMO, K.R. Hospital, Mysore and CMO of General Hospital, K.R.Pete to produce MLC Extract of injured petitioner by name Rajegowda S/o Banegowda @ Banappa and give evidence.

Sri GSN advocate for petitioner submits no objections.

Heard arguments and perused IA No.2 and same is allowed in the interest of justice and equity. Issue SS to CMO, K.R. Hospital, Mysore and CMO of General Hospital, K.R.Pete to produce MLC Extract of injured petitioner by name Rajegowda S/o Banegowda @ Banappa and give evidence.

Call on for respondent evidence by 02.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1053/2020: 28.10.2022

Sri. SV advocate for respondent No.1 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 1 along with vakalath.

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA and affidavit have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.1 is hereby set aside.

Call on for written statement of respondent No.1 by 15.11.2022

ASCJ & MACT, SRIRANGAPATNA

OS 122/2022: 28.10.2022

Sri. MPG advocate for defendant No.1 to 4 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 1 to 4 along with vakalath.

Call on for objection to IA No.2 by 24.11.2022

ASCJ, SRIRANGAPATNA

OS 52/2022: 21.10.2022

Sri. SSP advocate for defendant No.2 filed IA No.2 U/sec 148 of CPC along with memorandum of facts for extension of time to file written statement of defendant No.2.

On the other hand Sri. BSS advocate for plaintiff submits IA may be allowed.

Heard argument and perused record. Defendant No.2 has sought for extension of time to file written statement for want of document. Hence, IA 2 is allowed. Time to file written statement of defendant No.2 is extended till next date hearing.

For written statement of D-1 to 4 by 21.11.2022.

ASCJ, SRIRANGAPATNA

OS 88/2022: 21.10.2022

Sri. CRS advocate for defendant No.1 to 7 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 1 to 7 along with vakalath.

On the other hand Sri. BSS advocate for plaintiff submits IA may be allowed on cost.

Perused IA and affidavit I have satisfied and same is allowed on cost of Rs.100/- in the interest of justice and equity. And exparte order passed against the defendant No.1 to 7 are hereby set aside.

Call on for written statement of defendant No.5 by 21.11.2022

ASCJ, SRIRANGAPATNA

MVC 574/2022: 21.10.2022

Sri. KPK advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. DPK advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity and exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No. 2 by 19.11.2022

ASCJ & MACT, SRIRANGAPATNA

262/2018: 21.10.2022

Sri. MRR advocate for R-2 filed IA No.7 U/o 16 rule 6 of CPC along with memorandum of facts for issue of summons to CMO/RMO, JSS Hospital, Mysore to produce documents and give evidence.

Sri NP advocate for respondent No.2 submits no objections.

Heard arguments and perused IA No.7 and same is allowed in the interest of justice and equity. Issue SS to CMO/RMO, JSS Hospital, Mysore to produce documents and adduce evidence.

Call on for further petitioner evidence by 24.11.2022.

ASCJ & MACT, SRIRANGAPATNA

261/2018: 21.10.2022

Sri. MRR advocate for R-2 filed IA No.6 U/o 16 rule 6 of CPC along with memorandum of facts for issue of summons to CMO/RMO, Anagha Hospital, Mysore to produce documents and give evidence.

Sri NP advocate for respondent No.2 submits no objections.

Heard arguments and perused IA No.6 and same is allowed in the interest of justice and equity. Issue SS to CMO/RMO, Anagha Hospital, Mysore to produce documents and adduce evidence.

Call on for further petitioner evidence by 24.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 2013/2019: 21.10.2022

Sri. MKS advocate for petitioner filed a memo to club MVC 2013/2019, 2014/2019 and 2015/2019 as all petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 2014/2019 and 2015/2019 are clubbed with MVC 2013/2019 and common evidence recorded in MVC 2013/2019.

Petitioner in MVC 2013/2019 to 2015/2019 are present and filed their affidavit in lieu of their examination in chief. They are partly examined as PW1 to PW3.

Call on for further chief of PW1 to PW3 by 18.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1133/2019: 21.10.2022

PW1 and 2 are present. They are further examined in chief. Ex.P.1 to 9 are got marked. Fully cross examined.

Sri. ANK advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand Sri. DGN advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. ANK advocate for petitioner suggests name of Sri. CKP advocate as Commissioner for examination of petitioner.

Sri. CKP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. CKP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. ANK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 09.12.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 907/2022: 20.10.2022

Sri. HLS advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. APN advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity and exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No. 2 by 14.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 383/2022: 20.10.2022

Sri. SP advocate for respondent No.1 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 1 along with vakalath.

On the other hand Sri. SDS advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity and exparte order passed against the respondent No.1 is hereby set aside.

Call on for written statement of respondent No.1 and 2 by 16.11.2022

ASCJ & MACT, SRIRANGAPATNA

EX. 42/2021: 20.10.2022

Sri. DRN advocate for Dhr filed IA No.1 u/s 224 of K.C.R.P. for appointment of special process server to execute decree.

Heard Sri. DRN advocate for decree holder on IA No.1. It appears that the decree holder has sought for issue of Attachment of Warrant for Movables of Jdr for execution. It appears that this Court has issued notices to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the petitioner to take steps by attachment movables of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 1 is allowed. Special ameen charges is fixed for Rs. 500/-.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 23.11.2022

ASCJ, SRIRANGAPATNA

MVC 2098/2019: 10.10.2022

Sri. IKR advocate for R-2 filed IA No.3 U/s 170 of IMV Act along with memorandum of facts for permission to

take all defense available to R-1.

Sri. APN advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 3 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 3 is allowed. R-2 is permitted to take defense.

PW1 present. Fully cross examined.

Sri. APN advocate of petitioner filed IA No.4 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. IKR advocate for respondent No.2 and Sri. NP advocate for respondent No.2 submits no objection to allow the IA No.4.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

Issue SS to RMO, Narayana Hospital, Mysore as prayed in the IA No.4 through RPAD if PF is paid and furnished RPAD cover with stamps. R/by 07.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 695/2022: 07.10.2022

Sri. VV advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. MKS advocate for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity and exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 and reissue notice to respondent No.1 by 18.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1671/2019: 07.10.2022

Sri. BMS advocate for R-2 filed IA No.5 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Sri. CSV advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 3 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 5 is allowed. R-2 is permitted to take defense.

PW1 present. Fully cross examined. Ex.R.1 is got marked.

Sri. CSV advocate of petitioner filed IA No.6 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. BMS advocate for respondent No.2 and Sri. NP advocate for respondent No.3 submits no objection to allow the IA No.6.

Perused IA and affidavits and same are allowed in the interest of justice and equity.

Issue hand summons to the witness as prayed in the IA No.6.

And also filed IA No.7 u/o 7 rule 9 of CPC seeking pass an order for return of Ex.P.17 by keeping the certified copy of the same. Perused

IA and same is allowed. Office directed to return of Ex.P.17 by keeping the certified copy of the same with proper identification.

Call on for further petitioner evidence by 28.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1599/2020: 07.10.2022

Sri. KMB advocate for R-2 filed IA No.2 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Sri. TNS advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 3 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 2 is allowed. R-2 is permitted to take defense.

PW1 present. Fully cross examined.

Call on for further petitioner evidence by 28.10.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1504/2019: 07.10.2022

Sri. BMS advocate for R-2 filed IA No.3 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Sri. SD advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 3 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 3 is allowed. R-2 is permitted to take defense.

PW1 present. Fully cross examined.

Call on for further petitioner evidence by 21.10.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1634/2020: 07.10.2022

Sri. BDP advocate for R-2 filed IA No.3 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Sri. DPK advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 3 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 3 is allowed. R-2 is permitted to take defense.

PW1 present. Ex.P.10 to 12 are got marked. Fully cross examined, further petitioner evidence closed.

Call on for respondent evidence by 28.10.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 929/2017: 07.10.2022

Sri. CKS advocate for petitioner filed a memo to club MVC 928/2017 and 929/2017 as both petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 928/2017 is clubbed with MVC 929/2017 and common evidence recorded in MVC 929/2017.

Sri. CKS advocate for petitioner filed IA No.2 u/o 7 Rule 14(3) of CPC seeking permission to produce list with documents by condoning delay and along with list with documents. On the other hand Sri. VV advocate for respondent No.2 submits no objection. Perused IA and affidavit and same is allowed and list with documents taken as on record.

Petitioner in MVC 929/2019 is present and filed his affidavit in lieu of his examination in chief. He is examined as PW1 and Ex.P.1 to 11 are got marked.

Call on for further chief of PW1 by 21.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 571/2020: 06.10.2022

Sri. GSN advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Respondent called out. Absent. Hence, objection is taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. GSN advocate for petitioner suggests name of Sri. AKA advocate as Commissioner for examination of petitioner.

Sri. AKA advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. AKA advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GSN advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 05.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 601/2019: 06.10.2022

Sri. GPJ advocate for petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Respondent called out. Absent. Hence, objection is taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 09.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 380/2020: 06.10.2022

Sri. MGP advocate for petitioner filed IA No.2 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Respondents absent. Hence, objections taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 2 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SM advocate as Commissioner for examination of petitioner.

Sri. SM advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SM advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 02.11.2022.

ASCJ & MACT, SRIRANGAPATNA

EX 59/2019: 01.10.2022

Sri. MGP advocate for Dhr filed IA No.1 u/s 224 of K.C.R.P. for appointment of special process server to execute decree.

Heard Sri. MGP advocate for decree holder on IA No.1. It appears that the decree holder has sought for issue of Attachment of Warrant for Movables of Jdr for execution. It appears that this Court has issued notices to Jdr but it returned unserved. The office of Jdr is situated at Mysore and as such it is just and necessary to permit the petitioner to take steps by attachment movables of Jdr through special ameen as the amount is meager amount and liability to pay compensation is fixed on him.

Hence, IA 1 is allowed.

Office is ordered to issue attachment warrant for movables of Jdr if PF and charges of ameen furnished as per law.

Await compliance of ordered by 05.11.2022

ASCJ, SRIRANGAPATNA

EX 124/2018, 125/2018 &
82/2021: 01.10.2022

Sri. BSA advocate for Dhr filed IA No.1 U/o 5 rule 20 R/w 151 of CPC along with affidavit for permission to take sub-service by affixture against Jdr Heard arguments on IA No.1 and perused record. It appears that though this court has issued notice to Jdr on the previous dates, the same were not served. Now the Dhr intended to take sub service. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the appellant to take sub service against Jdr1. Hence IA No.1 is allowed. Consequently, the Dhr is permitted to take sub service against Jdr by way of affixture.

Issue notice to Jdr by sub-service by way of affixture and direct the concerned to affix notice on the house of Jdr.

Await compliance of order and appearance of Jdr by 05.11.2022.

ASCJ, SRIRANGAPATNA

Ex.120/2019: 01.10.2022

Case called out. Counsel for DHR is present and prays time to take steps against the JDR. Perused order sheet, the DHR is continuously absent and steps not taken and also submits that, the JDR has filed Mis. Petition, that Mis.Petition has been allowed and decreed partly in O.S.96/2018 as set-aside. Hence necessary order may be passed.

In view of the submission made by the counsel for DHR, this E.P. is not maintainable under law. Hence the E.P. is dismissed as not pressed.

ASCJ, SRIRANGAPATNA

ಎಫ್.ಡಿ.ಪಿ. 13/2018: 30.09.2022

<u>ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 6 ರ ಮೇಲೆ ಮಾಡಲಾದ ಆದೇಶ.</u>

ಅರ್ಜಿದಾರರು ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿ, ಸದರಿ ಅರ್ಜಿದಾರರನ್ನು ಈ ಎಫ್.ಡಿ.ಪಿ. ಅರ್ಜಿಯಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರ 4 ರಿಂದ 7 ರವರನ್ನಾಗಿ ಮಾಡಬೇಕಾಗಿ ಕೋರಿ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಅರ್ಜಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಿದ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಅರ್ಜಿದಾರರು ಇದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಓಎಸ್ ನಂ.42/2016 ದಾವೆಯನ್ನು ಎದುರುದಾರರ ವಿರುದ್ದ ಸಲ್ಲಿಸಿದ್ದರು. ಸದರಿ ದಾವೆಯಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆದು ದಿನಾಂಕ 29.06.2018 ರಂದ ಡಿಕ್ರಿಯಾಗಿರುತ್ತದೆ. ಸದರಿ ಡಿಕ್ರಿಯಲ್ಲಿ ಈ ಅರ್ಜಿಯ ಅರ್ಜಿದಾರರ ತಾಯಿಯ ಹೆಸರಿನಲ್ಲಿರುವ ಶ್ರೀರಂಗಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಬೆಳವಾಡಿ ಗ್ರಾಮದ ಸ.ನಂ.291/4 ರಲ್ಲಿಯ ವಿಸ್ತೀರ್ಣ 1 ಎಕರೆ 8 ಗುಂಟೆ ಜಮೀನನ್ನು ಸಹ ಸೇರಿಸಿ ಡಿಕ್ರಿ ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ, ಸದರಿ ದಾವೆಯಲ್ಲಿ ಈ ಅರ್ಜಿದಾರರನ್ನು ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡಿರಲಿಲ್ಲ ಆದ್ದರಿಂದ ಸದರಿ ಡಿಕ್ರಿ ಅನೂರ್ಜಿತವಾಗಿರುತ್ತದೆ. ಸದರಿ ಸ್ವತ್ತು ಈ ಅರ್ಜಿದಾರ / ಉದ್ದೇಶಿತ ಎದುರುದಾರರಿಗೆ ಸೇರಿದ ಆಸ್ತಿಯಾಗಿದ್ದರೂ ಸಹ ಈ ಅರ್ಜಿದಾರರಿಗೆ ಸದರಿ ಆಸ್ತಿಯ ಮೇಲೆ ಯಾವುದೇ ಹಕ್ಕು ಅಧಿಕಾರ ಹಿತಾಸಕ್ತಿ ಇಲ್ಲದೇ ಇದ್ದರೂ ಸಹ ಡಿಕ್ರಿ ಪಡೆದು, ಈಗ ಅಂತಿಮ ಡಿಕ್ರಿ ನಡವಳಿಕೆಗಾಗಿ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಒಂದುವೇಳೆ ನ್ಯಾಯಾಲಯವು ಅಂತಿಮ ಡಿಕ್ರಿ ನೀಡಿದಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರಿಗೆ ತುಂಬಲಾರದಂತಹ ನಷ್ಟ ಉಂಟಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಿ ಅರ್ಜಿದಾರರನ್ನು ಉದ್ದೇಶಿತ ಎದುರುದಾರ 4 ರಿಂದ 7 ಎಂದು ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಪಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

2. ಸದರಿ ಅರ್ಜಿಗೆ ಅರ್ಜಿದಾರರ ಹಾಗೂ ಎದುರುದಾರರ ಪರ ವಕೀಲರು ತಕರಾರನ್ನು ಸಲ್ಲಿಸಿ ತಮ್ಮ ತಕರಾರಿನಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಸಲ್ಲಿಸಿರುವ ಈ ಅರ್ಜಿಯು ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ಊರ್ಜಿತವಾಗಿರುವುದಿಲ್ಲ. ಸದರಿ ಉದ್ದೇಶಿನ ಎದುರುದಾರರಿಗೂ ಹಾಗೂ ದಾವಾ ಆಸ್ತಿಗೂ ಯಾವುದೇ ಸಂಬಂಧ ಇರುವುದಿಲ್ಲ. ಸ.ನಂ.291/4 ರಲ್ಲಿಯ 1 ಎಕರೆ 8 ಗುಂಟೆ ಆಸ್ತಿಯನ್ನು ಮೃತ ಶ್ರೀಮತಿ ಲಿಂಗಮ್ಮರವರಿಂದ 1ನೇ ಅರ್ಜಿದಾರರ ಅತ್ತೆ ಶ್ರೀಮತಿ ಬಿ.ಎಸ್.ರಮಾದೇವಿ ಎನ್ನುವವರು ಸದರಿ ಆಸ್ತಿಯನ್ನು 1963 ರಲ್ಲಿ ನೋಂದಾಯಿತ ಕ್ರಯಪತ್ರದ ಮುಖಾಂತರ ಖರೀದಿಸಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಆಸ್ತಿಯು ಉದ್ದೇಶಿತ ಎದುರುದಾರರಿಗೆ ಸೇರಿತ್ತು ಎಂದು ತೋರಿಸುವ ಸಲುವಾಗಿ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ.

3. ತಮ್ಮ ತಕರಾರಿನಲ್ಲಿ ಮುಂದುವರೆದು ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸುವ ಮುಖಾಂತರ ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಅರ್ಜಿದಾರರಿಗೆ ತೊಂದರೆ ಕೊಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಉದ್ದೇಶಿತ 2ನೇ ಎದುರುದಾರರು ಶ್ರೀಮತಿ ಬಿ.ಎಸ್.ರಮಾದೇವಿ ರವರ ವಾರಸುದಾರರಾದ ಮಧುಕರ್ ಉಪಾಧ್ಯಾಯ ಮತ್ತು ಇತರರ ವಿರುದ್ದ ಪ್ರಕರಣ ದಾಖಲಿಸಿದ್ದರು. ಆ ಬಗ್ಗೆ ಈಗಾಗಲೇ ತೀರ್ಮಾನವಾಗಿರುತ್ತದೆ. ಸದರಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಅಶ್ಯಕ್ಯ ಪಕ್ಷಕಾರರು ಇರುವುದಿಲ್ಲ ಮತ್ತು ಅರ್ಜಿದಾರರ ಹಾಗೂ ಎದುರುದಾರರ ಒಟ್ಟು ಕುಟುಂಬಂದ ಸದಸ್ಯರಿರುವುದಿಲ್ಲ ಹಾಗೂ ಅರ್ಜಿಯ ಷೆಡ್ಯೂಲ್ ಆಸ್ತಿಯಲ್ಲಿ ಅವರಿಗೆ ಯಾವುದೇ ಭಾಗಾಂಶ ಇರುವುದಿಲ್, ಓಎಸ್ 42/2016 ರಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಪಕ್ಷಗಾರರಾಗಿರುವುದಿಲ್ಲ. ಈ ಅರ್ಜಿಯ ಅರ್ಜಿದಾರರಿಗೆ ಮತ್ತು ಎದುರುದಾರರಿಗೆ ತೊಂದರೆ ಕೊಡುವ ಉದ್ದೇಶದಿಂದ ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ

ವಜಾಗೊಳಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

4. ಉಭಯ ಪಕ್ಷಗಾರರ ವಕೀಲರ ವಾದವನ್ನು ಆಲಿಸಲಾಯಿತು.

5. ಈ ಮೇಲಿನ ವಾಸ್ತವಾಂಶಗಳಿಂದ ನ್ಯಾಯಾಲಯದ ನಿರ್ಣಯಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಉದ್ಭವಿಸಿರುತ್ತವೆ.

> **<u>ಅಂಶ ನಂ.1</u>**. ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಈ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಲು ಸಾಕಷ್ಟು ಕಾರಣಗಳನ್ನು ನೀಡಿದ್ದಾರೆ ಎಂದು ರುಜುವಾತುಪಡಿಸಿರುತ್ತಾರೆಯೇ ?
>
> **<u>ನಂ.2.</u>** ಏನು ಆದೇಶ ?

6. ಈ ಮೇಲಿನ ಅಂಶಗಳಿಗೆ ನ್ಯಾಯಾಲಯದ ಉತ್ತರ ಈ ಕೆಳಗಿನಂತಿರುತ್ತವೆ.

ಅಂಶ ನಂ.1 ಕ್ಕೆ ನಕರಾತ್ಮಕವಾಗಿ.

ಅಂಶ ನಂ.2 ಕ್ಕೆ ಮಾಡಲಾದ ಅಂತಿಮ ಆದೇಶ ಈ ಕೆಳಕಂಡ ಕಾರಣಗಳಿಗಾಗಿ,

<u>ಕಾರಣಗಳು</u>

7. **<u>ಅಂಶ ನಂ.1</u>**: ಈ ಅರ್ಜಿಯನ್ನು ಅರ್ಜಿದಾರರು ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಓಎಸ್ ನಂ.42/2016 ರ ದಾವೆಯಲ್ಲಿ ದಿನಾಂಕ 29.06.2018 ರಂದು ಆದ ಪ್ರಾಥಮಿಕ ಡಿಕ್ರಿಯನ್ನು ಆಧರಿಸಿ ಈ ಅರ್ಜಿಯನ್ನು ಅಂತಿಮ ಡಿಕ್ರಿ ನಡವಳಿಕೆಗಾಗಿ ಕೋರಿ ಎದುರುದಾರರ ವಿರುದ್ಧ ಸಲ್ಲಿಸಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಅರ್ಜಿದಾರರು ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ ನಂತರ ಎದುರುದಾರರಿಗೆ ನೋಟೀಸ್ ನೀಡಲಾಗಿ ಎದುರುದಾರರು ಸಹ ತಮ್ಮ ಪರ ವಕೀಲರ ಮೂಲಕ ಹಾಜರಾಗಿರುತ್ತಾರೆ. ನಂತರ ಉಭಯ ಪಕ್ಷಗಾರರು ಒಪ್ಪಿಗೆಯ ಮೇರೆಗೆ ನ್ಯಾಯಾಲಯದಿಂದ ಕೋರ್ಟ್ ಕಮಿಷನರ್ ರವರನ್ನು ನೇಮಕ ಮಾಡಿದ್ದು ಸದರಿ ಕೋರ್ಟ್ ಕಮಿಷನರ್ ರವರು ಕಮಿಷನರ್ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

8. ಈ ಅರ್ಜಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರಾದ ಶ್ರೀಮತಿ ಗಾಯತ್ರಿ ವಿಶ್ವನಾಥ್ ರವರು ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ದಿನಾಂಕ 19.04.2022 ರಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಈ ಎಫ್.ಡಿ.ಪಿ. ಅರ್ಜಿಯನ್ನು ಆಗಸ್ಟ್ ತಿಂಗಳ ಒಳಗಾಗಿ ಮುಕ್ತಾಯಗೊಳಿಸಿಕೊಡಬೇಕೆಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಅರ್ಜಿಯನ್ನು ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಪರಿಶೀಲಿಸಿ ದಿನಾಂಕ 29.04.2022 ರಂದು ಈ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸದರಿ ಎಫ್.ಡಿ.ಪಿ. ಅರ್ಜಿಯನ್ನು ಆದಷ್ಟು ಬೇಗ ತೀರ್ಮಾನಿಸಬೇಕೆಂದು ನಿರ್ದೇಶಿಸಿ ಆದೇಶ ಮಾಡಿದ್ದು ಸದರಿ ಆದೇಶವು ಈ ನ್ಯಾಯಾಲಯಕ್ಕೆ ದಿನಾಂಕ 07.05.2022 ರಂದು ತಲುಪಿರುತ್ತದೆ. ಸದರಿ ಪತ್ರ ಬಂದಾಗ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಬೇಸಿಗೆ ರಜೆ ಇದ್ದುದರಿಂದ ಜೂನ್ ತಿಂಗಳಿನಿಂದ ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡಿರುತ್ತದೆ, ಈ ಮಧ್ಯೆ ಉಭಯ ಪಕ್ಷಗಾರರು ರಾಜೀ ಮಾಡಿಕೊಳ್ಳುವುದಾಗಿ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದ್ದರಿಂದ ಪಕ್ಷಗಾರರಿಗೆ ಸಮಯಾವಕಾಶ ನೀಡಲಾಗಿತ್ತು.

9. ಹೀಗಿರುವಾಗ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ದಿನಾಂಕ 11.07.2022

ರಂದು ತಮ್ಮನ್ನು ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಕೋರಿ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಅರ್ಜಿಯಲ್ಲಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು 2008 ರಿಂದ 2022 ರ ವರೆಗಿನ ಸ.ನಂ.291/4 ರ ಪಹಣಿ ಪತ್ರಿಕೆಗಳನ್ನು ಹಾಗೂ ಆರ್.ಮಿಸ್ ನಂ.159/2011-12 ರ ಆದೇಶ ಪ್ರತಿಯ ನಕಲನ್ನು, ಋಣಭಾರ ಪ್ರಮಾಣ ಪತ್ರ, ಕ್ರಯಪತ್ರಗಳ ದೃಢೀಕೃತ ನಕಲುಗಳು, ಮ್ಯುಟೇಶನ್ ಗಳು, ಪಟ್ಟಾಪುಸ್ತಕದ ನಕಲು, ಪಸಲು ಪಹಣಿಗಳು, ಆಕಾರ್ ಬಂದ್ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ.

10. ಉದ್ದೇಶಿತ ಎದುರುದಾರರ ವಾದವೇನೆಂದರೆ, ಬೆಳವಾಡಿ ಗ್ರಾಮದ ಸ.ನಂ.291/4 ರ ಆಸ್ತಿಯು ಈ ಎದುರುದಾರರಿಗೆ ಸೇರಿದ ಆಸ್ತಿಯಾಗಿದ್ದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸರಿಯಾದ ಮಾಹಿತಿಯನ್ನು ನೀಡದೆ ನಮ್ಮ ಆಸ್ತಿಗೆ ಡಿಕ್ರಿ ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಅದ್ದರಿಂದ ಉದ್ದೇಶಿತ ಎದುರುದಾರರನ್ನು ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಹಾಜರುಪಡಿಸಿರುವ ಕಂದಾಯ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಬೆಳವಾಡಿ ಗ್ರಾಮದ ಸ.ನಂ.291/4 ರಲ್ಲಿ 1 ಎಕರೆ 8 ಗುಂಟೆ ಜಮೀನು ಬಂದಿರುತ್ತದೆ. ತಿಮ್ಮಮ್ಮ ಕೋಂ ಲೇಟ್ ಚಿಕ್ಕಯ್ಯ ಎನ್ನುವವರಿಗೆ ಪಿತ್ರಾರ್ಜಿತವಾಗಿ ಬಂದಿರುತ್ತದೆ ಎಂದು ಕಂಡು ಬರುತ್ತದೆ. ಈ ಅಂಶಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಈ ಅರ್ಜಿಯ ಎದುರುದಾರರು ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಹಾಗೂ ಇತರರನ್ನು ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಆರ್.ಮಿಸ್ ನಂ. 159/2011-12 ಅಪೀಲನ್ನು ಪಾಂಡವಪುರ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಪೀಲು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಅಪೀಲನ್ನು ವಜಾಗೊಳಿಸಿದ್ದು ಇರುತ್ತದೆ. ಆ ಆದೇಶವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಸದರಿ ಸ.ನಂ.291/4 ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಘೋಷಣಾತ್ಮಕದ ಆದೇಶದ ಅವಶ್ಯಕತೆ ಇದೆ ಎಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಉಪವಿಭಾಗಾಧಿಕಾರಿ ದಿನಾಂಕ 04.08.2018 ರಂದು ಅಪೀಲನ್ನು ವಜಾಗೊಳಿಸಿರುತ್ತಾರೆ.

11. ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಹಾಜರುಪಡಿಸಿರುವ ಕಂದಾಯ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಮಧುಕರ್ ರವರ ವಿರುದ್ದ ಓಎಸ್ ನಂ.291/3 ರಲ್ಲಿಯ ಆಸ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮಾಲೀಕತ್ವ ಪೋಷಣೆ ಶಾಶ್ವತ ಪ್ರತಿಬಂಧಕಾಜ್ಞೆ ಆದೇಶ ಕೋರಿ ದಾವೆ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಸ.ನಂ.291 ರಲ್ಲಿಯ ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 4 ಎಕರೆ 6 ಗುಂಟೆ ಜಮೀನು ಇದ್ದು ಅದರಲ್ಲಿ ಸ.ನಂ. 291/3 ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆದು ಸದರಿ ದಾವೆ ದಿನಾಂಕ 20.12.2021 ರಂದು ವಜಾಗೊಂಡಿರುತ್ತದೆ. ಆ ದಾವೆಯಲ್ಲಿ ಸ.ನಂ.291 ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಎಷ್ಟು ವಿಸ್ತೀರ್ಣದ ಆಸ್ತಿ ಇತ್ತು ಎಂದು ತೋರಿಸುವ ಸಲುವಾಗಿ ಹಾಜರುಪಡಿಸಿದ್ದಂತಹ ದಾಖಲೆಗಳಾಗಿರುತ್ತವೆ. ಈಗಾಗಲೇ ಸದರಿ ಸರ್ವೆ ನಂಬರ್ ನಲ್ಲಿಯ ಆಸ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆದು ದಾವೆಯು ವಜಾಗೊಂಡಿರುವುದರಿಂದ ಸದರಿ ತೀರ್ಪು ಮತ್ತು ಡಿಕ್ರಿಯ ವಿರುದ್ದ ಅಪೀಲು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಶ್ನೆ ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಓಎಸ್ ನಂ.42/2016 ರಲ್ಲಿ ಈ ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಪಕ್ಷಗಾರರಾಗಿರುವುದಿಲ್ಲ ಮತ್ತು ಸದರಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರುರು ಈ ಅರ್ಜಿದಾರರ ಮತ್ತು ಎದುರುದಾರರ ಕುಟುಂಬದ ಸದಸ್ಯರಿರುವುದಿಲ್ಲ ಹಾಗಾಗಿ ಸದರಿ ಉದ್ದೇಶಿತ ಎದುರುದಾರರನ್ನು ಅವಶ್ಯಕರ ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡುವ ಅವಶ್ಯಕತೆ ಇರುವುದಿಲ್ಲ. ಸದರಿ ಓಎಸ್ ನಂ.42/2016 ರ ವಿರುದ್ದ ಯಾವುದೇ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸದೆ ಈ ಅರ್ಜಿಯಲ್ಲಿ ತಾವು ಅವಶ್ಯಕ ಪಕ್ಷಗಾರರಿರುತ್ತೇವೆ ಎಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವುದು ಕಾನೂನುಬದ್ದವಾಗಿರುವುದಿಲ್ಲ. ಸ.ನಂ.291 ರಲ್ಲಿಯ 1 ಎಕರೆ 8 ಗುಂಟೆ ಜಮೀನು ಅರ್ಜಿದಾರರ ಅತ್ತೆ ರಮಾದೇವಿರವರು ಕ್ರಯಕ್ಕೆ ಖರೀದಿಸಿದ ಆಸ್ತಿಯಾಗಿರುತ್ತದೆ ಎಂದು ಅರ್ಜಿದಾರರು ಮತ್ತು ಎದುರುದಾರರು ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ. ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ಈ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಲು ಯಾವುದೇ ಸಕಾರಣಗಳನ್ನು ನೀಡಿರುವುದಿಲ್ಲ ಆದ್ದರಿಂದ ಅಂಶ ನಂ.1 ಕ್ಕೆ ನಕರಾತ್ಮಕವಾಗಿ ಉತ್ತರಿಸಲಾಗಿದೆ.

12. ಅಂಶ ನಂ.2ಃ ಈ ಮೇಲಿನ ಅಂಶ ನಂ.1 ರಲ್ಲಿ ಚರ್ಚಿಸಲಾದಂತೆ ಮಾಡಲಾದ

<u>ಆದೇಶ</u>

- ಉದ್ದೇಶಿತ ಎದುರುದಾರರು ದಿವಾನಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 1 ನಿಯಮ 10(2) ರ ಅಡಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿದ ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 6 ನ್ನು ವಜಾಗೊಳಿಸಲಾಗಿದೆ.

- ಖರ್ಚಿನ ಬಗ್ಗೆ ಯಾವುದೇ ಆದೇಶ ಇರುವುದಿಲ್ಲ.

ಅಪರ ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ,
ಶ್ರೀರಂಗಪಟ್ಟಣ

OS 28/2019: 30.09.2022

Case called out. Counsel for plaintiff Sri. CSV advocate is present. He prays time for plaintiff evidence.

Perused order sheet, the plaintiff is continuously absent from the date of filing of this suit. It shows that the plaintiff is not interested to proceed with the case against the defendants. Hence, prayer is rejected and suit is dismissed for default.

ASCJ, SRIRANGAPATNA

OS 26/2008: 30.09.2022

Case called out in the open Court. Plaintiffs and defendants called out. Absent. No representation. Yesterday the counsel for plaintiffs submits there is no extension of stay order. Sri. MS advocate for defendant No.4 filed memo along with copy of WP No.55279 to 55280/2016.

The counsel for plaintiff as well as other defendants have submitted that there is no extension of stay of order by the Hon'ble High Court of Karnataka WP No. 55279 to 55280/2016 on 10.11.2016. Thereafter this Court has directed the counsel for both the parties have not produce further order of the Hon'ble High Court. But inspite of that, the parties have not produced any order till this date. The Hon'ble Supreme Court of India vide Judgment dated:28.03.2018 in Cr. Appeal No.1375-1376/2013 in between Asian Resurfacing of Road Agency Pvt. Ltd., and another Vs. Central Bureau of Investigation as made certain observations and issued directions regarding procedure to be followed in respect of matters stayed by the Appellate Courts at para 35 and 36. The Hon'ble Apex Court has directed that "*all the pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended*".

In the present case, though this Court has given sufficient opportunities, the defendant No.4 has not produce further extension of stay granted by Hon'ble High Court.

The present case is very old matter and as such the same is to be disposed of expeditiously. Hence, keeping in view the direction of the Hon'ble Apex Court and in the absence of further stay order not being produced, this case is taken up for further proceedings. Both the parties are directed to proceed with the case without taking unnecessary adjournments.

Call on for further plaintiff evidence and defendant evidence if any by 10.10.2022.

ASCJ, SRIRANGAPATNA

OS 154/2022: 30.09.2022

Heard arguments on IA No.1. Perused IA and affidavit and same is allowed in the interest of justice and equity. The plaintiff No.1 is appointed as guardian of plaintiff No.2.

Heard arguments on IA No.2.

Sri. SV advocate for plaintiff on I.A.No.2 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiffs have filed the present suit against the defendants for the relief of partition and separate possession of suit schedule properties contending that, suit schedule properties are joint family property of himself and defendants and he is entitled for share in the suit schedule properties.

Now the defendants are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the property. Therefore, the plaintiffs prayed to grant exparte temporary injunction.

In support of his application the plaintiffs have sworn affidavit and produced RTC extracts and and MR pertaining to suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.2 and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule properties. The plaintiffs claims that they are entitled for share in the suit schedule properties. The materials available on record discloses that the right of plaintiff is to be considered as he claimed to be member of joint family. If the defendants alienated the properties the plaintiffs will be put to

hardship and it would lead the multiplicity of the proceedings. Therefore, at this stage it appears that, plaintiffs have made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.2, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 2 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction not to alienate against the defendants as prayed in I.A.No.2 and direct the defendants not to alienate the suit properties. if the plaintiffs comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.2 and suit summons to defendants if PF and copies furnished. R/by 24.11.2022.

ASCJ, SRIRANGAPATNA

MVC 2048/2019: 30.09.2022

Sri. DGN advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no

objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Issues framed. Call on for petitioner evidence by 28.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 158/2021: 30.09.2022

Sri. GPJ advocate for petitioner filed IA No.3 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand Sri. BMS advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggests name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 19.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 123/2017: 30.09.2022

Sri. MGP advocate for petitioner filed IA No.5 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand Sri. DGN advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. SEL advocate as Commissioner for examination of petitioner.

Sri. SEL advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SEL advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by

16.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MISC 20/2019: 30.09.2022

Sri. MSK advocate for petitioner filed IA No.1 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1, 3 and 5. Heard argument on IA No.1 and perused record. It appears that though this court has issued notice to R-1, 3 and 5 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-R-1, 3 and 5 . Hence IA No.1 is allowed. Consequently, the petitioner is permitted to take sub service against R-1, 3 and 5 by way of paper publication.

Sri. MSK advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No. 1, 3 and 5 reside or carries business for their livelihood on or before 11.10.2022 and direct respondent No. 1, 3 and 5 to appear before this Court on 23.11.2022.

Sri. MSK advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and appearance of respondent No. 1, 3 and 5 by 23.11.2022.

ASCJ & MACT, SRIRANGAPATNA

OS 56/2012: 29.09.2022

Case advanced. Sri. ATJ advocate for Lrs of defendant No.2 filed application u/o 6 rule 17 of CPC seeking permission to amend the plaint by inserting the suit Item No.11 in Sy. No.1053/4B measuring 6 guntas and Sy. No.1053/4D measuring 5 guntas situated at Arakere Village, Arakere Hobli, Srirangapatna Taluk.

Perused IA and affidavit and compromise petition filed by the both parties, the parties have already mentioned the Survey Number in the compromise petition itself, if the application is allowed no hardship would be caused to other side. If it is not allowed the parties to the proceedings which suffer. Therefore I proceed to pass following,

ORDER

Application u/o 6 rule 17 filed by the Lrs of defendant No.2 is hereby allowed.

Permit the plaintiff or Lrs of defendant No.2 are carried out amendment as prayed for. Call on for amendment and amended plaint by 01.10.2022

ASCJ, SRIRANGAPATNA

MVC 773/2019: 29.09.2022

Sri. HMN advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

Petitioner and their counsel called out. Absent. Hence, objections taken as not filed.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity and exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 20.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1772/2019: 29.09.2022

Sri. MGP advocate of petitioner filed IA No.3 u/o 16 rule 1 and 2 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. HMN advocate for respondent No.2 submits no objection to allow the IA No.3.

Perused IA and affidavits and same are allowed in the interest of justice and equity. Case is reopened.

Issue hand summons to the witness as prayed in the IA No.3. Call on for further petitioner evidence by 20.10.2022

ASCJ & MACT, SRIRANGAPATNA

OS 22/1998: 28.09.2022

ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 45 ಮತ್ತು 46 ರ ಮೇಲೆ ಮಾಡಲಾದ ಸಾಮಾನ್ಯ ಆದೇಶ.

ಪ್ರತಿವಾದಿ 2 ರವರ ವಾರಸುದಾರರು ಸದರಿ ಅರ್ಜಿಗಳನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 45 ನ್ನು ದಿವಾನಿ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕ್ರಮಾದೇಶ 8 ನಿಯಮ 1(ಎ) ಹಾಗೂ ಸಹವಾಚಕ 151 ರಡಿಯಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿ ಸದರಿ ಅರ್ಜಿಯೊಂದಿಗೆ ಎರಡು ಕ್ರಯಪತ್ರಗಳು ಒಂದು ಪಹಣಿಯನ್ನು ಹಾಜರುಪಡಿಸಿ ಸದರಿ ದಾಖಲೆಗಳನ್ನು ಕಡತದ ಮೇಲೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಅದೇರೀತಿ ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 46 ನ್ನು ಭಾರತೀಯ ಸಾಕ್ಷಿ ಅಧಿನಿಯಮ ಕಲಂ 66 ರಡಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿ ವಾದಿಗಳು ದಿನಾಂಕ 12.02.1` ರ ಪಾಲುಪಟ್ಟಿಯನ್ನು ಹಾಜರುಪಡಿಸಲು ನಿರ್ದೇಶನ ನೀಡಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

2. ಸದರಿ ಎರಡೂ ಅರ್ಜಿಗಳಿಗೆ ವಾದಿಯ ಪರ ವಕೀಲರು ತಕರಾರನ್ನು ಸಲ್ಲಿಸಿ ತಮ್ಮ ತಕರಾರಿನಲ್ಲಿ 2ನೇ ಪ್ರತಿವಾದಿ ವಾರಸುದಾರರು ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಲು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯು ಊರ್ಜಿತವಾಗಿರುವುದಿಲ್ಲ. ಏಕೆಂದರೆ ಆರ್.ಎ. ನಂ.118/2012 ರಲ್ಲಿ ಮಧ್ಯಕಾಲೀನ ಅರ್ಜಿ 3 ಮತ್ತು 4 ರಂತೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳ ಮೇಲೆ ಮಾತ್ರ ಸಾಕ್ಷ್ಯ ವಿಚಾರಣೆ ನಡೆಸಿ ತೀರ್ಪನ್ನು ನೀಡಬೇಕಾಗಿರುತ್ತದೆ. ಈ ರೀತಿ ಹೊಸದಾಗಿ ದಾಖಲೆಗಳನ್ನು ಸಲ್ಲಿಸಲು ಅವಕಾಶ ಇರುವುದಿಲ್ಲ ಎಂದು ತಕರಾರಿನಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಅದೇರೀತಿ ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 46 ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಲಿಖಿತ ತಕರಾರಿನಲ್ಲಿ ತಿಳಿಸದೇ ಇರುವ ಸಂಗತಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ವಾದಿಗೆ ದಾಖಲೆಯನ್ನು ಹಾಜರುಪಡಿಸುವಂತೆ ನಿರ್ದೇಶಿಸಬೇಕೆಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಎರಡೂ ಅರ್ಜಿಗಳು ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ಊರ್ಜಿತವಾಗಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಎರಡೂ ಅರ್ಜಿಗಳನ್ನು ಖರ್ಚು ಸಹಿತ ವಜಾಗೊಳಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

3. ಉಭಯ ಪಕ್ಷಗಾರರ ವಕೀಲರ ವಾದವನ್ನು ಆಲಿಸಲಾಯಿತು.

4. ಈ ಮೇಲಿನ ವಾಸ್ತವಾಂಶಗಳಿಂದ ನ್ಯಾಯಾಲಯದ ನಿರ್ಣಯಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಉದ್ಭವಿಸಿರುತ್ತವೆ.

<u>ಅಂಶ ನಂ.1</u>. 2ನೇ ಪ್ರತಿವಾದಿಯ ವಾರಸುದಾರರ ಪರ ವಕೀಲರು ಸದರಿ ಅರ್ಜಿಗಳನ್ನು ಪುರಸ್ಕರಿಸಿ ಸಾಕಷ್ಟು ಕಾರಣಗಳನ್ನು ನೀಡಿದ್ದಾರೆ ಎಂದು ರುಜುವಾತುಪಡಿಸಿರುತ್ತಾರೆಯೇ ?

<u>ನಂ.2.</u> ಏನು ಆದೇಶ ?

5. ಈ ಮೇಲಿನ ಅಂಶಗಳಿಗೆ ನ್ಯಾಯಾಲಯದ ಉತ್ತರ ಈ ಕೆಳಗಿನಂತಿರುತ್ತವೆ.

ಅಂಶ ನಂ.1 ಕ್ಕೆ ಭಾಗಶಃ ಸಕರಾತ್ಮಕವಾಗಿ.

ಅಂಶ ನಂ.2 ಕ್ಕೆ ಮಾಡಲಾದ ಅಂತಿಮ ಆದೇಶ ಈ ಕೆಳಕಂಡ ಕಾರಣಗಳಿಗಾಗಿ,

ಕಾರಣಗಳು

6. ಅಂಶ ನಂ.1ಃ ವಾದಿ ಈ ದಾವೆಯನ್ನು ಪ್ರತಿವಾದಿಗಳೊಂದಿಗೆ ದಾವಾ ಆಸ್ತಿಗಳಿಗಾಗಿ ಪಾಲುವಿಭಾಗ ಮತ್ತು ಪ್ರತ್ಯೇಕ ಸ್ವಾಧೀನತೆಯನ್ನು ಕೋರಿ ದಿನಾಂಕ 20.02.1998 ರಂದು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಈ ದಾವೆಯಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆದು ಎರಡು ಬಾರಿ ತೀರ್ಪು ನೀಡಲ್ಪಟ್ಟು ಎರಡು ಬಾರಿ ಅಪೀಲು ನ್ಯಾಯಾಲಯದಿಂದ ರಿಮ್ಯಾಂಡ್ ಆಗಿ ಬಂದಿರುತ್ತದೆ. ಸದರಿ ದಾವೆಯನ್ನು 1998 ರಲ್ಲಿ ಸಲ್ಲಿಸಿದ್ದು ಇಲ್ಲಿಗೆ 22 ವರ್ಷಗಳಾಗಿರುತ್ತದೆ. ಈ ದಾವೆಯು ಎರಡನೇ ಬಾರಿ ರಿಮ್ಯಾಂಡ್ ಆಗಿ ಬಂದ ನಂತರವೂ ಸಹ ದಾವೆಯಲ್ಲಿಯ ಕೆಲವು ಪ್ರತಿವಾದಿಗಳು ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಡಬ್ಲ್ಯೂ ಪಿ ನಂ. 27710/2017 ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಅಪೀಲಿನಲ್ಲಿ ದಿನಾಂಕ 25.05.2022 ರಂದು ಆದೇಶವಾಗಿ ಈ ನ್ಯಾಯಾಲಯಕ್ಕೆ 25.07.2022 ರಂದು ಬಂದಿದ್ದು ಇರುತ್ತದೆ. ಈ ಮಧ್ಯೆ ದಾವೆಯಲ್ಲಿ ಯಾವುದೇ ವ್ಯವಹರಣೆಗಳು ಪಕ್ಷಗಾರರು ಸಲ್ಲಿಸಿದ ಅಪೀಲು ಮತ್ತು ಕೆಲವೊಂದು ಪಕ್ಷಗಾರರು ಮರಣ ಹೊಂದಿದ್ದರಿಂದ ವ್ಯವಹರಣೆಗಳು ನಡೆದಿರುವುದಿಲ್ಲ.

7. 1998 ರಲ್ಲಿ ದಾವೆ ಸಲ್ಲಿಸಿದ್ದರೂ ಸಹ ಪುನಃ 2 ನೇ ಪ್ರತಿವಾದಿ ವಾರಸುದಾರರು ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 45 ರೊಂದಿಗೆ 2 ಕ್ರಯಪತ್ರ ಹಾಗೂ 1 ಪಹಣಿಯನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು ಇರುತ್ತದೆ. ಈ ಅಂಶಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ವಾದಿಯ ಪರ ವಕೀಲರು ಕೇವಲ ಆರ್.ಎ. ನಂ.118/2012 ನ್ನು ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 3 ಮತ್ತು 4 ಅರ್ಜಿಗಳಲ್ಲಿ ಸಲ್ಲಿಸಿದ್ದ ದಾಖಲೆಗಳಲ್ಲಿ ಮಾತ್ರ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಬೇಕಾಗುತ್ತದೆ. ಸದರಿ ಈ ಅರ್ಜಿಯೊಂದಿಗೆ ಹಾಜರುಪಡಿಸಿರವ ದಾಖಲೆಗಳನ್ನು ಪರಿಗಣಿಸಲು ಬರುವುದಿಲ್ಲ ಎಂದು ವಾದ ಮಂಡಿಸಿದ್ದು ಈಗಾಗಲೇ ಅಪೀಲು ನ್ಯಾಯಾಲಯದಿಂದ ರಿಮ್ಯಾಂಡ್ ಆಗಿ ಬಂದಿರುವುದರಿಂದ ಸದರಿ ದಾಖಲೆಗಳನ್ನು ತಡವಾಗಿ ತಂದಿರುವುದರಿಂದ ಖರ್ಚಿನೊಂದಿಗೆ ಪುರಸ್ಕರಿಸಿ ದಾಖಲೆಗಳನ್ನು ನಿಶಾನೆಯಾಗಿ ಗುರುತಿಸಿಕೊಂಡರೆ ವಾದಿಗೆ ಸದರಿ ಸಂಗತಿಗಳ ಮೇಲೆ ಪಾಟೀಸವಾಲು ಮಾಡುವ ಎಲ್ಲಾ ಅವಕಾಶಗಳು ಇರುವುದರಿಂದ ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 45 ನ್ನು ಖರ್ಚಿನೊಂದಿಗೆ ಪುರಸ್ಕರಿಸಬೇಕಾಗುತ್ತದೆ ಎಂಬ ಅಭಿಪ್ರಾಯ ಬಂದಿರುತ್ತದೆ.

8. ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 46 ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನ್ಯಾಯಾಲಯವು ಉಭಯ ಪಕ್ಷಗಾರರ ವಾದ ಪತ್ರ ಹಾಗೂ ಪ್ರತಿವಾದ ಪತ್ರಗಳನ್ನು ಹಾಗೂ 2 ನೇ ಪ್ರತಿವಾದಿ ವಾರಸುದಾರರು ಸಲ್ಲಿಸಿರುವ ಲಿಖಿತ ತಕರಾರನ್ನು ಸಹ ಸಲ್ಲಿಸಲಾಗಿ ದಿನಾಂಕ 12.02.1983 ರಂದು ಪಾಲುವಿಭಾಗವನ್ನು ವಾದಿ ಹಾಗೂ ಪ್ರತಿವಾದಿ 1 ಮತ್ತು 2 ರವರು ಮಾಡಿಕೊಂಡಿದ್ದರು ಎಂದು ಎಲ್ಲಿಯೂ ಸಹ ತಿಳಿಸಿರುವುದಿಲ್ಲ. ಈ ರೀತಿ ತಮ್ಮ ಲಿಖಿತ ತಕರಾರಿನಲ್ಲಿ ತಿಳಿಸದ ಸಂಗತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅರ್ಜಿಯ ಮುಖಾತಂರ ವಾದಿಗೆ ದಾಖಲೆಯನ್ನು ಹಾಜರುಪಡಿಸುವಂತೆ ನಿರ್ದೇಶಿಸಬೇಕೆಂದು ಕೋರಿಕೊಂಡಿರುವ ಅಂಶದಲ್ಲಿ ಯಾವುದೇ ಸತ್ಯಾಂಶ ಇರುವುದಿಲ್ಲವೆಂದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಈ ಮೇಲೆ ಚರ್ಚಿಸಲಾದ ಸಂಗತಿಗಳನ್ನು ಅಂಶ ನಂ.1 ಕ್ಕೆ ಭಾಗಶಃ ಸಕರಾತ್ಮಕವಾಗಿ ಉತ್ತರಿಸಲಾಗಿದೆ.

9. ಅಂಶ ನಂ.2ಃ ಈ ಮೇಲಿನ ಅಂಶ ನಂ.1 ರಲ್ಲಿ ಚರ್ಚಿಸಲಾದಂತೆ ಮಾಡಲಾದ

<u>ಆದೇಶ</u>

- ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 45 ನ್ನು 500/- ರೂ ಖರ್ಚಿನೊಂದಿಗೆ ಪುರಸ್ಕರಿಸಲಾಗಿದೆ.

- ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ 46 ನ್ನು ವಜಾಗೊಳಿಸಲಾಗಿದೆ.

ಅಪರ ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ,
ಶ್ರೀರಂಗಪಟ್ಟಣ

MVC 671/2019: 28.09.2022

ಈ ದಿನ ಪ್ರಕರಣವನ್ನು ಕರೆಯಲಾಗಿ ಅರ್ಜಿದಾರರು ಹಾಜರಿರುತ್ತಾರೆ. ಆದರೆ ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರು ಹಾಜರಾಗಿರುವುದಿಲ್ಲ. ಸದರಿ ಈ ಪ್ರಕರಣವನ್ನು ಬೆಳಿಗ್ಗೆ 11.05 ಗಂಟೆ, 1.00 ಗಂಟೆ, ಮಧ್ಯಾಹ್ನ 2.45 ಕ್ಕೆ ಪುನಃ ಕರೆಯಿಸಲಾಗಿ ಅರ್ಜಿದಾರರು ಮಾತ್ರ ಹಾಜರಿರುತ್ತಾರೆ. ಅವರ ಪರ ವಕೀಲರು ಗೈರು ಹಾಜರಿರುತ್ತಾರೆ.

ದಿನಾಂಕ 27.09.2022 ರಂದು ಅರ್ಜಿದಾರರು ಸ್ವತಃ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಹಾಜರಾಗಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ನಾನು ಅಪಘಾತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪರಿಹಾರ ಕೋರಿ ಎಂವಿಸಿ ನಂ. 616/2021 ಪ್ರಕರಣವನ್ನು ಮೈಸೂರಿನ ಹೆಚ್ಚುವರಿ ಲಘು ವ್ಯವಹಾರಗಳ ನ್ಯಾಯಾಧೀಶರ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಪ್ರಕರಣವು ವಿಚಾರಣೆಗೆ ಬಾಕಿ ಇರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ಪ್ರಕರಣವನ್ನು ವಜಾಗೊಳಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡರು. ಸದರಿ ಪ್ರಕರಣವನ್ನು ಕರೆದ ಕಾಲಕ್ಕೆ ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರಾದ ಶ್ರೀ ಎನ್.ಎಂ.ಎಂ. ರವರ ಪರ ಶ್ರೀ ಸುಷ್ಮಾ ವಕೀಲರು ಹಾಜರಾಗಿದ್ದು ಸದರಿಯವರು ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೋಡಿ ನಂತರ ನ್ಯಾಯಾಲಯಕ್ಕೆ ನಿವೇದನೆ ಮಾಡಿಕೊಳ್ಳುವುದಾಗಿ ತಿಳಿಸಿದ ಮೇರೆಗೆ ಪ್ರಕರಣವನ್ನು ಹಾಗೆಯೇ ಇಡಲಾಯಿತು.

ನೆನ್ನೆ ಮಧ್ಯಾಹ್ನ ಸುಮಾರು 3.45 ಗಂಟೆಗೆ ಪ್ರಕರಣವನ್ನು ಕರೆದಾಗ ಅರ್ಜಿದಾರರು ಹಾಗೂ ಅವರ ಪರ ವಕೀಲರು ಹಾಜರಿದ್ದು ಈ ಪ್ರಕರಣವನ್ನು ಹಿರಿಯ ವಕೀಲರಾದ ಶ್ರೀ ಎನ್.ಎಂ.ಎಂ. ಸಲ್ಲಿಸಿರುತ್ತಾರೆ, ಸದರಿಯವರು ಈ ದಿನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಬಂದಿರುವುದಿಲ್ಲ ಮತ್ತು ವಕಾಲತ್ತಿನಲ್ಲಿ ತನ್ನ ಸಹಿ ಇರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸಮಯಾವಕಾಶ ಕೋರಿರುತ್ತಾರೆ. ಆದರೆ ಅರ್ಜಿದಾರರು ಸದರಿ ಶ್ರೀ ಎನ್.ಎಂ.ಎಂ. ವಕೀಲರು ಯಾರು ಎಂದು ನಮಗೆ ತಿಳಿದಿರುವುದಿಲ್ಲ, ತಾನು ಯಾವುದೇ ಅರ್ಜಿಗೆ ಸಹಿ ಮಾಡಿಕೊಟ್ಟಿಲ್ಲ ಎಂದು ತಿಳಿಸಿದ್ದು ಇರುತ್ತದೆ. ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರು ಅದರಂತೆ ಪ್ರಕರಣವನ್ನು ಈ ದಿನಕ್ಕೆ ಅಂದರೆ ದಿನಾಂಕ 28.09.2022 ಕ್ಕೆ ಮುಂದೂಡಲಾಗಿತ್ತು.

ಈ ದಿನ ಪ್ರಕರಣವನ್ನು ಕೂಗಿಸಲಾಗಿ ಅರ್ಜಿದಾರರು ಹಾಜರಾಗಿರುತ್ತಾರೆ. ಆದರೆ ಅವರ ಪರ ವಕೀಲರು ಹಾಜರಾಗಿರುವುದಿಲ್ಲ. ಪ್ರಕರಣವನ್ನು ಮೂರು ಬಾರಿ ಕರೆದಾಗಲೂ ಸಹ ಅರ್ಜಿದಾರರು ಮಾತ್ರ ಹಾಜರಿದ್ದು

ಅವರ ಪರ ವಕೀಲರು ಗೈರುಹಾಜರಿರುತ್ತಾರೆ.

ಅರ್ಜಿದಾರರು ಈ ದಿನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಪುನಃ ಮತ್ತೊಂದು ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿ ಸದರಿ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ತಾನು ಈಗಾಗಲೇ ಮೈಸೂರಿನ ಹೆಚ್ಚುವರಿ ಲಘು ವ್ಯವಹಾರಗಳ ನ್ಯಾಯಾಧೀಶರ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಎಂವಿಸಿ ನಂ.616/2021 ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸುವ ಕಾಲಕ್ಕೆ ಮೈಸೂರಿನ ವಕೀಲರು ತಾನು ವಕಾಲತ್ತನ್ನು ನೀಡಿರುತ್ತೇನೆ, ಆ ಪ್ರಕರಣವು ವಿಚಾರಣೆಗೆ ಬಾಕಿ ಇರುತ್ತದೆ. ಆದರೆ ಶ್ರೀರಂಗಪಟ್ಟಣ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ವಕೀಲರೊಬ್ಬರು ಮೇಲ್ಕಂಡ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸಿರುತ್ತಾರೆ ಎಂದು ತಿಳಿದುಬಂದಿದ್ದು ಸದರಿ ವಕೀಲರು ತನಗೆ ಯಾರೆಂದು ತಿಳಿದಿರುವುದಿಲ್ಲ, ತಾನು ಈ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಯಾವುದೇ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಪ್ರಕರಣವನ್ನು ವಜಾಗೊಳಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಈ ಮೇಲಿನ ಎರಡೂ ಪ್ರಮಾಣ ಪತ್ರಗಳಲ್ಲಿ ತಿಳಿಸಿರುವ ಸಂಗತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಅರ್ಜಿದಾರರು ಈಗಾಗಲೇ ಅಪಘಾತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪರಿಹಾರ ಕೋರಿ ಎಂವಿಸಿ ನಂ.616/2021 ಅರ್ಜಿಯನ್ನು ಮೈಸೂರಿನ ಹೆಚ್ಚುವರಿ ಲಘು ವ್ಯವಹಾರಗಳ ನ್ಯಾಯಾಧೀಶರ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಲ್ಲಿಸಿರುವುದರಿಂದ ಮತ್ತು ಈ ಅರ್ಜಿಯನ್ನು ವಜಾಗೊಳಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡಿರುವುದರಿಂದ ಹಾಗೂ ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರು ಪ್ರಕರಣವನ್ನು ಮೂರು ಬಾರಿ ಕರೆದಾಗಲೂ ಗೈರುಹಾಜರಿರುತ್ತಾರೆ. ಅರ್ಜಿದಾರರೇ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುವ ವಕೀಲರು ತನಗೆ ಯಾರೆಂದು ಗೊತ್ತಿಲ್ಲ ಹಾಗೂ ಈ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಯಾವುದೇ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿರುವುದರಿಂದ ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರ ವಾದವನ್ನು ಕೇಳುವ ಅವಶ್ಯಕತೆ ಇರುವುದಿಲ್ಲವೆಂದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಒಂದುವೇಳೆ ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಪ್ರಮಾಣ ಪತ್ರಗಳಲ್ಲಿ ತಿಳಿಸಿರುವ ಸಂಗತಿಗಳನ್ನು ನ್ಯಾಯಾಲಯವು ಒಪ್ಪಿಕೊಳ್ಳದೆ ದಿನಾಂಕಗಳನ್ನು ನೀಡುತ್ತಾ ಹೋದರೆ ಅರ್ಜಿದಾರರಿಗೆ ತುಂಬಲಾರದಂತಹ ನಷ್ಟ ಉಂಟಾಗುತ್ತದೆ ಮತ್ತು ಈಗಾಗಲೇ ಅರ್ಜಿದಾರರು ಅಪಘಾತದಿಂದ ನೋವನ್ನು ಅನುಭವಿಸಿ ಪುನಃ ಈ ರೀತಿಯ ತಾಂತ್ರಿಕ ಕಾರಣಗಳಿಗಾಗಿ ಮುಂದೂಡುತ್ತಾ ಹೋದರೆ ಅರ್ಜಿದಾರರಿಗೆ ನ್ಯಾಯಾಲಯವು ನ್ಯಾಯ ನೀಡಿದಂತೆ ಆಗುವುದಿಲ್ಲ. ಅಲ್ಲದೆ ಅರ್ಜಿದಾರರು ಮೈಸೂರು ತಾಲ್ಲೂಕು, ಜಯಪುರ ಹೋಬಳಿ, ರಾಯನಕೆರೆ ಅಂಚೆ, ಎಡಹಳ್ಳಿಯಲ್ಲಿ ವಾಸವಾಗಿರುವುದರಿಂದ ಈ ಅರ್ಜಿಯನ್ನು

ವಜಾಗೊಳಿಸಿ ಮೈಸೂರಿನ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಚಾಲ್ತಿಯಲ್ಲಿರುವ ಅರ್ಜಿಯನ್ನು ಮುಂದುವರೆಸಿಕೊಂಡು ಹೋಗಲು ಅವಕಾಶ ನೀಡಿದಲ್ಲಿ ಅರ್ಜಿದಾರರಿಗೆ ಅನುಕೂಲಕರವಾಗುತ್ತದೆ ಎನ್ನುವ ತೀರ್ಮಾನಕ್ಕೆ ಬಂದು ಈ ಕೆಳಗಿನಂತೆ ಮಾಡಲಾದ ಆದೇಶ,

<u>ಆದೇಶ</u>

ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿನ ಸಂಗತಿಗಳನ್ನು ಪುರಸ್ಕರಿಸಿ ಈ ಅರ್ಜಿಯನ್ನು ವಜಾಗೊಳಿಸಲಾಯಿತು.

ಅಪರ ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ ಮತ್ತು
ಎಂಎಸಿಟಿ, ಶ್ರೀರಂಗಪಟ್ಟಣ

OS 120/2021: 28.09.2022

Sri. SSP advocate for plaintiff filed IA No.1 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.2 and 4 Heard arguments on IA No.1 and perused record. It appears that though this court has issued summons to defendant No.2 and 4 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendants No.2 and 4 Hence, IA No.1 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.2 and 4 by way of paper publication.

Sri. SSP advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.2 and 4 reside or carries business for his livelihood on or before 01.10.2022 and direct defendant No.2 and 4 to appear before this court on 15.11.2022.

Sri. SSP advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.2 and 4 by 15.11.2022.

ASCJ, SRIRANGAPATNA

MVC 829/2020: 29.09.2022

Sri. NP advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Issues framed. Call on for petitioner evidence by 20.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1176/2018: 27.09.2022

Sri. MKS advocate filed IA No.3 u/o 26 rule 4 of CPC for appointment of commissioner to examine the accidental Vehicle No.KA-45-M-2782 and submit the valuation report.

Perused IA and affidavit the accident took place on 31.08.2016, the petitioner has fied this claim petition in the year 2018 after lapse of 6 years the petitioner has come up this application. Therefore the application is not maintainable under law. Hence, I proceed to pass following,

ORDER

IA No.3 u/o 26 rule 4 of CPC filed by the petitioner is hereby rejected. Call on for further chief of PW1 by 18.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 748/2020: 27.09.2022

The petitioner has filed this petition against the respondents for compensation on account of accident occurred on 09.02.2020 at about 3.00 p.m. After filing of this petition this court has issued notice to respondents, after service of notice the respondent No.2 has appeared through their counsel.

The counsel for respondent has filed memo along with copy of MVC No. 92/2020 on the file of Senior Civil Judge & MACT at T.Narasipura. In the meanwhile the petitioner is also present and file memo stating that this court is faraway from Talakadu, T.Narasipura Taluk, for her convenient she has filed MVC petition No.92/2020 before the Senior Civil Judge & JMFC at T.Narasipura. Hence, petition may be dismissed as not pressed.

On the other hand the counsel for petitioner is present and submits no objections to dismiss the petition as prayed in the memo of petitioner.

In view of the memo of petitioner as well as respondent No.2 it appears that the petitioner has filed two petitions on the same incident in different courts. Hence, memo is accepted and petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

MVC 1771/2019: 27.09.2022

The petitioner has filed this petition against the respondents for compensation on account of accident occurred on 03.02.2019 at about 5.15 p.m. After filing of this petition this court has issued notice to respondents, after service of notice the respondent No.2 has appeared through their counsel and came to the knowledge of this court that, the petitioner has filed another one MVC No.1011/2019 at Hassan on 30.01.2020.

From 30.01.2020 till today this court has given so many opportunities to the petitioner to filed memo in this regard. But the petitioner has not comply by dismissing this petition by filing memo or in the Hassan Court also. Hence, prayer made by the counsel for petitioner is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC 1103/2020: 27.09.2022

Sri. SB advocate for respondent No.2 filed IA No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Issues framed. Call on for cross examination of PW1 by 08.11.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 935/2020: 27.09.2022

Sri. NMM advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand Sri. SB advocate for respondent No.2 submits no objection.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. NMM advocate for petitioner suggests name of Sri. NVR advocate as Commissioner for examination of petitioner.

Sri. NVR advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. NVR advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. NMM advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further petitioner evidence by 15.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1169/2019: 27.09.2022

Sri. NKS advocate for petitioner filed IA No.6 u/o 32 rule 12 r/w Sec. 151 of CPC to discharge the guardian of petitioner No.3 with vakalth and list with one document and affidavit of the guardian of petitioner No.3.

Perused IA and affidavit and xerox copy of SSLC Marks Card and Adhar Card. It appears that the petitioner No.3 borned on 06.01.2002. Now he is aged about 20 years. Hence, application filed by the guardian of petitioner No.3 is discharged and permitted to proceed with the case against respondents in his own name. Call on for amendment and amended petition by 30.09.2022

ASCJ & MACT, SRIRANGAPATNA

MISC. 10/2018: 26.09.2022

Case is called out again at 5.45 p.m. no representation. Perused order sheet. The petitioner has filed this petition for restoration of OS No.126/2017 on the file of this court by set aside the dismissal orders of the court dated 21.08.2018.

The petitioner has filed his chief examination affidavit on 18.11.2019. Thereafter case was posted for further chief examination of PW1, then on 04.12.2019, 14.01.2020, 17.01.2020, 24.02.2020 on these dated the petitioner is continuously absent. Hence, on 24.02.2020 this court has rejected the prayer of the counsel for petitioner and posted the case for cross examination of PW1 on 16.03.2020.

Perused order sheet from 16.03.2020 till today the petitioner has present only one day on 05.08.2020 and he is continuously absent which shows that the petitioner is not interested to proceed with the case against the respondents. Hence, petition is dismissed for non prosecution.

ASCJ, SRIRANGAPATNA

MVC 1534/2019: 26.09.2022

Sri. APN advocate for petitioner filed memo stating that, the petitioner had died about six months back. Hence, petition may be dismissed as not pressed. In view of the memo petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

Issues framed. Call on for petitioner evidence by 04.11.2022

ASCJ & MACT, SRIRANGAPATNA

RA 16/2022: 23.09.2022

Sri. SEL advocate for appellant filed IA No.1 U/o 22 rule 4 of CPC to bring the Lrs of applicant No.2 and PF and RPAD covers. Call on 26.09.2022

ASCJ & MACT, SRIRANGAPATNA

OS 144/2021: 23.09.2022

Sri. MSM advocate for plaintiff filed IA No.5 u/o 6 rule 17 of CPC seeking permission to plaintiff to amend the plaint. IA No.6 u/o 39 rule 2(a) of CPC. IA No.7 u/o 39 rule 1 and 2 of CPC seeking pass an interim order against the defendants to not the change of nature of Item No.1 of the suit schedule property in any manner. And IA No.8 u/o 1 rule 10(2) of CPC to implead the IA schedule person as proposed defendant No.3 with PF and list with documents.

Issue notice to proposed defendant No.3 on IA No.8 through RPAD. R/by 20.10.2022

ASCJ, SRIRANGAPATNA

MVC 1673/2020: 23.09.2022

Sri. GKP advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. CN advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent taken as on record.

Issues framed. Call on for petitioner evidence by 28.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 747/2020: 23.09.2022

Sri. VV advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent taken as on record.

Issues framed. Call on for petitioner evidence by 28.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 859/2022: 23.09.2022

Sri. VV advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath and objection statement.

The counsel for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity and exparte order passed against the respondent No.2 is hereby set aside.

Issues framed. Call on for written statement of respondent No.2 by 28.10.2022

ASCJ & MACT, SRIRANGAPATNA

RA 78/2009: 22.09.2022

Perused appeal memo, the plaintiff / appellant has preferred an appeal aggrieved the judgment and decree passed by the Prl. Civil Judge, Jr. Dn., Srirangapatna in OS No.188/2007 dated 05.09.2009.

After filing of this appeal this court has secured the lower court records and heard arguments on merits and passed judgment on 26.07.2012 by allowing the appeal and remanded the matter to the concerned trail court. After passing of judgment this court has transmitted entire records. The trail court has received the records on 24.12.2012. Thereafter issue notice to the both parties they have not appeared before the trail court and trail court has passed an order on 31.10.2019 by dismissed the suit of the plaintiff on the ground the plaintiff and defendants have not complied orders of this court. And further observation made that submit the records to this court for taking further action.

The trail court has already dismiss the suit of the plaintiff by observing the parties have not complied the orders of this court. Hence, once again submitted the entire records taking further action without call for the records from this court is not proper.

By oversight the office of this court has taken the case in CIS without pending any appeal on the decree of the trail court. Appeal is dismissed.

Office is directed to send back the entire lower court records forthwith.

ASCJ, SRIRANGAPATNA

MVC 317/2018: 22.09.2022

Sri. GSN advocate of petitioner filed IA No.7 u/s 151 of CPC seeking for reopen the case from the stage of arguments and also filed IA No.8 u/o 16 rule 1 and 6 of CPC seeking permission to file list of witness and issues summons to witness.

On the other hand Sri. NP advocate for respondent No.2 submits no objection to allow the IA No.7 and 8.

Perused IA and affidavits and same are allowed in the interest of justice and equity. Case is reopened.

Issue SS to witness through RPAD as prayed in the IA No.8. Call on for further petitioner evidence by 18.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 985/2018: 22.09.2022

Sri. GSN advocate for petitioner is present. Prays time for taken steps against the respondent No.1.

Perused order sheet, already sufficient opportunity has been given to petitioner to take steps against the respondent No.1, it appears that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC 1718/2016: 22.09.2022

Sri. NKS advocate for petitioner is present. Prays time for petitioner evidence.

Perused order sheet, this petition was dismissed for non prosecution on 20.11.2018, again the petitioner had file Civil Misc No.28/2018 and this court has restore the petition on 25.07.2022 and again this court has given sufficient opportunity to the petitioner to lead their evidence. But the petitioner is continuously absent. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC 1717/2016: 22.09.2022

Sri. NKS advocate for petitioner is present. Prays time for petitioner evidence.

Perused order sheet, this petition was dismissed for non prosecution on 20.11.2018, again the petitioner had file Civil Misc No.27/2018 and this court has restore the petition on 25.07.2022 and again this court has given sufficient opportunity to the petitioner to lead their evidence. But the petitioner is continuously absent. It shows that the petitioner is not interested to proceed with the case against the respondents. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MA 16/2016: 21.09.2022

Sri. CRS advocate filed memo along with copy of settlement deed and prayed for dismissed of appeal.

In view of the memo filed by the counsel for appellant Mis appeal dismissed as not pressed.

Office is directed to send back to lower court records forthwith.

ASCJ, SRIRANGAPATNA

EX 10/2020: 21.09.2022

Sri. BK advocate for Dhr filed IA No.2 u/s 151 of CPC seeking pass an order for police help to execute the attachment warrant of movables of Jdr through special ameen. At this stage I gone through the report of special ameen it appears that he want police help for execution of warrant. Therefore, I proceed to pass following,

ORDER

IA No.2 u/s 151 of CPC filed by the Dhr is hereby allowed.

Issue attachment warrant of movables with police help as prayed for. Call on 25.11.2022

ASCJ, SRIRANGAPATNA

MVC 1215/2020: 21.09.2022

Sri. GSN advocate for petitioner filed IA No.5 U/o 26 rule 9 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Smt. RL advocate for respondent submits that IA No.5 filed by the petitioner may be allowed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. GSN advocate for petitioner suggests name of Sri. AKA advocate as Commissioner for examination of petitioner.

Sri. AKA advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. AKA advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GSN advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and further evidence of petitioner by 04.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 231/2020: 21.09.2022

PW1 present. Fully cross examined. Sri. GPJ advocate for petitioner filed IA No.3 U/o 26 rule 9 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. HRS advocate for respondent submits that IA No.3 filed by the petitioner may be allowed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 3 is allowed. Consequently, Commissioner is appointed.

Sri. GPJ advocate for petitioner suggests name of Sri. SSA advocate as Commissioner for examination of petitioner.

Sri. SSA advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SSA advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GPJ advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF

paid.

Await Commissioner report and further evidence of petitioner by 16.11.2022.

ASCJ & MACT, SRIRANGAPATNA

OS 52/2022: 21.09.2022

Sri. KK advocate filed power for defendant No.3 and 4.

Sri. SSP advocate for defendant No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No.2 along with vakalath.

On the other hand Sri. BSS advocate for plaintiff submits no objections.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.2 is hereby set aside.

Defendant No.1 called out. Absent. Placed exparte.

Call on for written statement of defendant No.2 to 4 by 21.10.2022

ASCJ, SRIRANGAPATNA

OS 158/2021: 21.09.2022

Sri. NS advocate for defendant No.1 to 3 filed I.A.No.3 U/s 151 of CPC seeking permission to file written statement of defendant No. 1 to 3 along with written statement of defendant No. 1 to 3 and in connection with affidavit.

On the other hand Sri. KSM advocate for plaintiff submits IA may be allowed with cost.

Perused the I.A. and affidavit and same is allowed with cost of Rs.300/- and written statement of defendant No. 1 to 3 taken on record.

Heard arguments on IA No.1.

The plaintiff has filed the IA No.1 u/o 32 rule 3 r/w Sec. 151 of CPC seeking pass an order for appointment of natural guardian as defendant No.4 and 5 as defendant No.3.

Perused IA and affidavit and age of the defendant No.4 and 5, the defendant No.4 and 5 are the minors and defendant No.3 is the mother of defendant No.4 and 5. Hence, application is allowed and defendant No.3 is appoint as natural guardian of defendant No.4 and5.

Call for compliance order U/s 89 of CPC by 20.10.2022.

ASCJ, SRIRANGAPATNA

MVC 1665/2018: 20.09.2022

Sri. NP advocate for R-2 filed IA No.4 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1.

Petitioner called out. Absent. Hence, objection is taken as not filed.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 2 is allowed. R-2 is permitted to take defense.

Sri. NP advocate submits no evidence of respondent No.2. Call on for arguments by 28.09.2022.

ASCJ & MACT, SRIRANGAPATNA

FDP 15/2020: 19.09.2022

Sri. HVB advocate for petitioner filed IA No.1 U/o 26 rule 13 r/w sec.151 of CPC for appointment the Tahasildar/ADLR as a court commissioner.

Respondents and their counsels are called out. Absent. Objection taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appoint Tahasildar/ADLR as Court Commissioner for division of 1/4th share of Partition and Separate Possession of the suit Schedule Property as per the Preliminary Decree passed by this court in OS No.104/2016, dated 5.08.2020 Hence, IA 1 is allowed. Consequently the Tahasildar/ADLR has appointed as Court Commissioner.

Office is directed to issue commissioner notice to Tahasildar/ADLR of Sriragapatna as Court commissioner for division of 1/4th Share of Suit Schedule properties respectively as per preliminary decree and submit their report on or before 9.11.2022.

Await Court Commissioner report.

ASCJ & MACT, SRIRANGAPATNA

OS 86/2014: 17.09.2022

Sri. MSC advocate for defendant No.2 filed an application for returning of Ex.D.1 to 10 by keeping the certified copy of the same.

Perused the application and same is allowed. The office is directed to return the original documents i.e. Ex.D.1 to 10. By keeping the certified copy of the same with proper identification.

ASCJ, SRIRANGAPATNA

MVC 216/2018: 17.09.2022

Sri. NMM advocate for petitioner filed application u/o 22 rule 3 of CPC to bring the Lrs of petitioner and along with vakalath.

Perused IA and affidavit and same is allowed.

The Lrs of petitioner are permitted to come on record. Call on for amendment and amended petition by 03.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 492/2017: 17.09.2022

Sri. NMM advocate for petitioner filed application u/o 22 rule 3 of CPC to bring the Lrs of petitioner and along with vakalath.

Perused IA and affidavit and same is allowed.

The Lrs of petitioner are permitted to come on record. Call on for amendment and amended petition by 03.10.2022

ASCJ & MACT, SRIRANGAPATNA

OS 52/2014: 17.09.2022

Reissue SS to defendant No.1 and 2.

Sri. CPK advocate for plaintiff filed IA No.4 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.4 Heard arguments on IA No.4 and perused record. It appears that though this court has issued summons to defendant No.4 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendants No.4 Hence, IA No.4 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.4 by way of paper publication.

If Sri. CPK advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.4 reside or carries business for his livelihood on or before 26.09.2022 and direct defendant No.4 to appear before this court on 30.11.2022.

Sri. CPK advocate for plaintiff

undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.4 by 30.11.2022.

ASCJ, SRIRANGAPATNA

MVC 869/2020: 17.09.2022

Sri. NVR advocate for respondent filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. MGP advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent taken as on record.

Call on for issues by 03.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 2308/2019: 16.09.2022

Sri. KPK advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. NMM advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 23.09.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 447/2022: 17.09.2022

Sri. MGP advocate for petitioner filed a memo to club MVC 446/2019 and 447/2019 as both petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 446/2019 is clubbed with MVC 447/2019 and common evidence recorded in MVC 447/2019.

Petitioner in MVC 447/2019 and 446/2019 are present and filed their affidavit in lieu of their examination in chief. They are examined as PW1 and PW2 and Ex.P.1 to 14 are got marked. Cross examination taken as nil.

Call on for further petitioner evidence by 11.10.2022

ASCJ & MACT, SRIRANGAPATNA

OS 158/2018: 17.09.2022

Sri. HR advocate for plaintiff filed IA No.7 u/o 22 rule 3 of CPC to bring the Lrs of plaintiff, IA No.8 u/o 22 rule 9 of CPC to set aside the abatement order and also filed IA No.9 u/s 5 of Limitation Act and along with vakalth of Lrs of plaintiff.

On the other hand Smt. LV advocate for defendant No.1, 2, 4 and 5 submits no objection.

Defendant No.10 to 13 and their counsels called out. Absent. Hence, objections taken as not filed.

Perused IA and affidavits and same are allowed in the interest of justice and equity. Amendment carried out.

Sri. HR advocate for plaintiff filed IA No.10 u/o 1 rule 10(2) of CPC to implead the IA schedule persons proposed defendant No.14 to 16.

Issue notice to proposed defendant No.14 to 16. Call on for appearance of proposed defendants and amended plaint by 03.11.2022

ASCJ, SRIRANGAPATNA

C.Mis 19/2019 : 16.09.2022

Again case called out at 5.40 p.m., no representation. Perused the order sheet. The petitioner has filed this petition on 04.11.2019. After filing of this petition, issued notice to the respondent then the petitioner taken steps on 03.02.2020 by way of affixture. The notice issued against the respondent not served. Then from 09.03.2020 till today the petitioner is not appeared before this court and steps not taken, it shows that, the petitioner is not interested to proceedings the case against the respondent by giving so may opportunities to the petitioner for taken steps. Hence petition is dismissed for non-prosecution.

ASCJ & MACT, SRIRANGAPATNA

MVC 2308/2019: 16.09.2022

Sri. KPK advocate for respondent No.2 filed IA No.2 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

On the other hand Sri. NMM advocate for petitioner submits no objection.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 23.09.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1050/2020: 16.09.2022

Sri. VHA advocate for respondent No.1 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 1 along with vakalath and objection statement.

The counsel for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.1 is hereby set aside and objection statement is taken as on record.

Issues framed. Call on for petitioner evidence by 14.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 468/2022: 16.09.2022

Sri. SB advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

The counsel for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement for respondent No.2 and steps by 12.10.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 110/2020: 16.09.2022

Sri. ANK advocate for petitioner filed memo stating that petition may be dismissed as not pressed. Perused memo and same is accepted. In view of the memo petition is dismissed as not pressed.

ASCJ & MACT, SRIRANGAPATNA

EX 109/2021: 15.09.2022

Smt. LV advocate for Dhr filed memo stating that the Dhr has taken possession from the Jdr. Hence, EP may be closed as EP is fully satisfied. In view of the memo filed by the counsel for Dhr. EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

MVC 1315/2020: 15.09.2022

Sri. GR advocate for petitioner filed IA No.4 U/o 16 rule 1 and 2 r/w 151 of CPC along with affidavit for permission to produce list of witnesses.

On the other hand Sri. HMN advocate for respondent No.2 submits no objection.

Heard arguments and perused record, IA and accompanied affidavit. It appears that the petitioner has sought for permission to produce list of witnesses to give evidence in support of his case. Hence, having regard to the facts and circumstances of the case I am of the opinion that it is a fit case to permit petitioner to file list of witnesses for adjudication of matter in dispute. Hence, IA 4 is allowed.

Sri. GR advocate filed list of witnesses and prays to issue hand summons to witness. Hence, issue hand summons to witness as prayed in PF.

For further evidence of petitioner by 23.09.2022

ASCJ & MACT, SRIRANGAPATNA

OS 128/2017: 15.09.2022

Sri. TNN advocate for plaintiff filed application u/o 6 rule 17 of CPC seeking permission to amend the plaint as prayed in the IA and also filed another application u/s 153 of CPC seeking permission to amend the compromise petition as prayed for.

On perusal of IA's filed by the plaintiff and affidavits. The plaintiff has obtained final decree as per the compromise between the parties. Later he came to know that Sy. No.145/1B-1 mentioned instead of Sy No.145/4B-1 and Sy No.730 mentioned instead of Sy No.731/1.

The amendment sought by the plaintiff is genuine and rectifiable one to give justice to the parties. Hence, I proceed to pass following,

ORDER

Applications u/o 6 rule 17 of CPC and Sec. 153 of CPC filed by the plaintiff are hereby allowed in the interest of justice and equity.

The plaintiff is permitted to carried out amendment in the plaint as well as compromise petition.

Office is directed to rectify the same in the final decree itself.

ASCJ, SRIRANGAPATNA

MVC 1097/2020: 15.09.2022

Sri. NMM advocate for petitioner filed IA No.3 u/s 151 of CPC reopen the case from the stage of await the commissioner report and also filed IA No.4 u/o 18 rule 17 of CPC for recall of PW1 for the purpose of further chief examination and along with medical bills.

On the other hand Sri. PAS advocate for respondent No.2 submits that IA No.3 and 4 filed by the petitioner are may be allowed with heavy cost.

Perused IA and affidavits and same are allowed with cost of Rs.250/- each. Case is reopened and PW1 is recalled. Ex.P.8 is got marked. Fully cross examined. Call on for await commissioner report by 19.10.2022

ASCJ & MACT, SRIRANGAPATNA

EX 116/2018: 15.09.2022

Sri. HR advocate for Jdr filed memo along with copy of Judgment passed by the Hon'ble III Addl. District and Sessions Court in RA No.5051/2018.

On perusal of the judgment the Hon'ble appellant court as set aside the judgment of this court passed in OS No.86/2011.

The Dhr has filed this execution petition against the Jdr on the basis of decree passed by this court in OS No.86/2016 dated 30.06.2018. Now decreed passed by this court is set aside by the Hon'ble appellant court. Hence, this execution petition is not maintainable in view of the decree of the appellant court.

Sri. HR advocate for Jdr field an application u/s 151 of CPC seeking pass an order for payment made by the Jdr in different dates. Perused IA and affidavits and same is allowed.

Execution petition is disposed off.

Office is directed to payment in favour of Jdr.

ASCJ, SRIRANGAPATNA

OS 50/2022: 15.09.2022

Sri. PS advocate for defendant No.5 filed IA No.5 U/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 5 along with vakalath.

On the other hand Sri. BS advocate for plaintiff submits IA may be allowed.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.5 are hereby set aside.

Call on for written statement of defendant No.5 by 14.10.2022

ASCJ, SRIRANGAPATNA

MVC 351/2020: 15.09.2022

Sri. SS advocate for respondent No.1 and 2 filed IA No.3 U/s 151 of CPC seeking permission to file Objection statement of respondent No.1 and 2 along with Objection statement of respondent No.1 and 2 and in connection with memorandum of facts.

Petitioner called out. Absent. Hence, objection is taken as not filed.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.1 and 2 taken as on record.

Call on for issues by 11.10.2022

ASCJ & MACT, SRIRANGAPATNA

EX 81/2019: 14.09.2022

Case is called out. No representation. Kept by

Again at 1.45 p.m. Case is called out. No representation. Kept by

Again at 4.15 p.m. Case is called out. No representation. Kept by

Again at 5.0 p.m. Case is called out. No representation. Perused order sheet from the date of filing of this execution petition, the Dhr and their counsels are absent, and steps not taken and sufficient opportunities has been given to Dhr, to taken steps, it shows that, the Dhr is not interested to proceed with the case against the Jdr. Hence, EP is dismissed for default.

ASCJ, SRIRANGAPATNA

EX 25/2017: 14.09.2022

Sri. MRV advocate for Dhr present and filed a memo stating that, Execution petition may be dismissed as not pressed. Since EP is fully satisfied. Hence, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

OS 94/2022: 14.09.2022

Sri. HR advocate for defendant No.1 to 3 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 1 to 3 along with vakalath.

On the other hand Sri. KK advocate1067 for plaintiff submits IA may be allowed with cost.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.1 to 3 are hereby set aside.

Call on for written statement of defendant No.1 to 3 by 13.10.2022

ASCJ, SRIRANGAPATNA

MVC 814/2019: 14.09.2022

Sri. SB advocate for respondent No.2 filed IA No.3 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

Petitioner called out. Absent. Hence, objection is taken as not filed.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 28.09.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 851/2019: 14.09.2022

Sri. PAS advocate for respondent No.2 filed IA No.3 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with memorandum of facts.

Petitioner called out. Absent. Hence, objection is taken as not filed.

Perused the IA and memorandum of facts and same is allowed and written statement of respondent No.2 taken as on record.

Call on for issues by 28.09.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 906/2021: 14.09.2022

Sri. HLS advocate for respondent No.2 filed IA No.2 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath and objection statement.

The counsel for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside and objection is taken as on record.

Call on for issues by 28.09.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1441/2020: 14.09.2022

Sri. CKP advocate for petitioner filed IA No.2 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-1 and 2. Heard argument on IA No.2 and perused record. It appears that though this court has issued notice to R-1 and 2 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-1 and 2. Hence IA No.2 is allowed. Consequently, the petitioner is permitted to take sub service against R-1 and 2 by way of paper publication.

Sri. CKP advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.1 and2 reside or carries business for their livelihood on or before 26.09.2022 and direct respondent No.1 and 2 to appear before this Court on 29.11.2022.

Sri. CKP advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper

publication to counsel for petitioner.

For compliance of order and appearance of R-1 and 2 by 29.11.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 836/2022: 14.09.2022

Sri. HSC advocate filed written statement of respondent No.1 along with documents.

Sri. SJD advocate for respondent No.2 filed IA No.1 U/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

The counsel for petitioner submits no objection.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Call on for written statement of respondent No.2 by 10.10.2022

ASCJ & MACT, SRIRANGAPATNA

OS 78/2016: 18.06.2022

Orders on IA No.8

1. The application filed by the plaintiff u/o 6 rule 17 r/w Sec. 151 of CPC seeking pass an order for amendment as sought in the application for the reasons set out in the affidavit annexed to the application.

2. In the affidavit on oath the plaintiff has contended that, the plaintiff has filed this suit against the defendants for the partition and separate possession over the suit schedule properties. But due to over sight and lack of knowledge the plaintiff has not pleaded in the plaint. The amendment as sought in the application is very essential to decide the matter on merits. The filing of application is only for bonafide reason and not unintentional one. If the application is not allowed it will leave the multiplicity of the proceedings. No injustice and hardship and damages caused to be other side. Hence, the plaintiff sought for allow the allowing application in the interest of justice and equity.

3. The 1st defendant has filed objection and stating that, the application is not maintainable either in law or on facts. The suit filed by the plaintiff against the defendants for partition and separate possession over the suit schedule properties. The present application is filed without any jurisdiction, to drag on the proceedings with an intention to harass to defendant. The plaintiff has come up with the present application. All the reasons narrated in the affidavit are untrue, created and concocted by obtaining the relief from the hands of the court. When the case is posted for further evidence of plaintiff at the time of commencement of the trail the plaintiff has come up with the present application. Hence, prays for dismissal of the application with cost.

4. On the basis of application and objection the point for consideration is,

1. Whether applicant/plaintiff has made out a ground to allow the present application for the reasons as set out in the affidavit at this stage ?

2. What order ?

5. My answer to the above said point are as follows:

Point No.1. In the affirmative.

Point No.2. As per the final order for the following:

REASONS

6. On perusal of the entire record along with pleadings it reflects that, the suit is one for partition and separate possession over the suit schedule properties. After filing the written statement, issues were framed then posted for plaintiff evidence. By that time the plaintiff came up with present application. The Sy. No. 83/3 old Sy. No.83/1 measuring about 0.21.04 guntas situated at Hunjanakere Village, Arakere Hobli, Srirangapatna Taluk, the suit IA schedule property is an ancestral and joint family property of plaintiff as well as defendants. IA suit schedule property is stands in the name of 1st defendant. Now the defendant No.1 is colluded with defendant No.3 created encumbrance the said property only the defraud the rights of plaintiff. The amendment sought in the application it is nothing but a consequential relief. It is in no way change the cause of action, nature of the suit or take away the right already accrued to the defendants. On the other hand when it is posted for further evidence of plaintiff by that time the plaintiff has come up with the present application. After the commencement of the trail the application is filed.

7. As per order 6 rule 7 of CPC the court may at any stage of proceedings allow either party alter or amend the pleadings in such manner and on such terms as may be just and all such amends shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. But embargo in the form of proviso it is clearly held that, no application for amendment shall be allowed after commencement of trail unless the court comes to conclusion that inspite of due diligence, the party could not have rise the matter before the commencement of the trail. The objection filed the defendant No.1 has raised that, only with an intention to drag the proceedings the present application is filed. But it is not acceptable. When it is posted for further evidence of plaintiff. The plaintiff has come up with the present application. The reasons for amendment as sought in the application properly narrated by the plaintiff. The plaintiff has made out a ground for allow the application. The amendment as sought in the application will not change the nature of the suit, cause action are take away right already accrued to the defendants. Apart from the above said discussion the plaintiff has come up with the application with commencement of trail with stage. In view of the above said discussion I answer, Point No.1. In the affirmative.

8. Point No.2. In view of above said discussion at point No.1, I proceed to pass the following,

ORDER

The IA No.8 filed by the plaintiff u/o 6 rule 17 r/w sec. 151 of CPC is hereby allowed with cost of Rs.200/-.

The plaintiff is hereby directed to carried out amendment in the plaint.

Call on for amendment and amended plaint by 23.06.2022.

Addl. Senior Civil Judge,

Srirangapatna

MVC 2105/2019: 15.06.2022

Sri. MGP advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

Respondents and their counsels are called out. Absent. Objection taken as not filed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to his busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examination of the doctor through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. MGP advocate for petitioner suggests name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. MP advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. MP advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. MGP advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and evidence of petitioner, by 15.07.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1725/2018: 14.06.2022

Sri. GNS advocate for petitioner filed IA No.5 U/o 26 rule 9 r/w sec.151 of CPC for appointment of commissioner for examination of doctor.

On the other hand of Sri. NP advocate for respondent submits that IA No.2 filed by the petitioner may be allowed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for examination of doctor as he is unable to appear before the court due to busy schedule. Since the doctor is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 5 is allowed. Consequently, Commissioner is appointed.

Sri. GNS advocate for petitioner suggests name of Sri. AKA advocate

as Commissioner for examination of petitioner.

Sri. AKA advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. AKA advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. GNS advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and evidence of petitioner by 26.07.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 888/2021: 13.06.2022

Sri. NKS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath and objection statement.

On the other hand Sri. KVY advocate for petitioner submits no objections to allow the IA No.1.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside and objections taken as on record.

Sri. NKS advocate for R-2 filed IA No.2 U/s 170 of IMV Act along with

memorandum of facts for permission to take all defense available to R-1.

Sri. KVY advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1. Hence, IA 2 is allowed. R-2 is permitted to take defense.

Issues framed. Call on for petitioner evidence by 26.07.2022.

ASCJ & MACT, SRIRANGAPATNA

OS 64/2018: 13.06.2022

Sri. NVN advocate for defendant No.1 filed IA No.4 u/o 9 rule 7 of CPC to set aside the exparte order passed against the defendant No. 1 along with vakalath.

On the other hand Sri. JS advocate for plaintiff prays time to file objections, there is no grounds. Hence, objection taken as not filed.

Perused IA and affidavit I have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the defendant No.1 is hereby set aside.

Call on for written statement of

defendant No.1 by 16.06.2022

ASCJ, SRIRANGAPATNA

OS NO. 60/2017: 10.06.2022

Sri. GNR Advocate for Plaintiff and Sri. NMG Advocate for defendant No.1, Sri. CSS advocate for defendant No.2 and plaintiffs and defendants are present and identified their parties. The counsels for the parties have also filed certified copy of Adhar Card of petitioner and respondents. They submit that the matter is likely to be settled before the Court and prayed to held conciliation. Perused record and satisfied. Hence, the case is posted for conciliation.

Conciliation held. On due negotiation and on the advise of their counsels both parties have agreed to settle the matter amicably. In this regard, they filed compromise petition u/o 23 rule 3 and pray to pass suitable order. Perused compromise petition. The contents of compromise petition read and explained to both the parties in the language known to them. They admitted the same as true and correct and pray to pass decree accordingly. As per compromise petition, the defendants have agreed to pay a sum of Rs.70,00,000/- (Rupees Seventy Lakhs only) as full and final amount to the plaintiff towards claim of the share in the suit schedule properties. The plaintiff has also agreed to receive the said amount as full and final settlement. It

appears from record that the plaintiff has filed this suit for partition and separate possession over the suit schedule properties. Having regard to the facts and circumstances of the case, I am of the opinion that the terms of compromise is reasonable, lawful and acceptable in the interest of both parties. Hence, the compromise petition is allowed.

Draw decree accordingly.

Case is disposed off.

ASCJ, SRIRANGAPATNA

MVC 489/2021 10.06.2022

Sri. J.A. advocate for petitioner filed memo dated 17.01.2022 stating that, the petitioner has filed another claim petition before the Pandavapura Senior Civil Judge Court. Hence he sought for dismissal of the petition.

Perused the memo and same is accepted in view of the memo filed by the counsel for the petitioner. The petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

OS 22/2021 10.06.2022

Sri. IKR advocate for defendant No.2 and 3 filed I.A.No.3 U/s 151 of CPC seeking permission to file written statement of defendant No.2 and 3 along with written statement of defendant No.2 and 3 and in connection with affidavit.

Plaintiff and their counsel submits their oral objection.

Perused the I.A. and affidavit and same is allowed with cost of Rs.200/- and written statement of defendant No.2 and 3 taken on record and call for compliance order U/s 89 of CPC by 28.06.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 159/2021 10.06.2022

Sri. IKR advocate for respondent No.2 filed I.A.No.1 U/s 151 of CPC seeking permission to file Objection statement of respondent No.2 along with Objection statement of respondent No.2 and in connection with affidavit.

Petitioner and his counsel submits their oral objection.

Perused the I.A. and affidavit and same is allowed with cost of Rs.200/- and written statement of respondent No.2 taken on record and call for compliance of order U/s 89 of CPC.

Case is referred to Lok-Adalath by 25.06.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 2187/2019 09.06.2022

Sri. HMN advocate for R-2 filed IA No.3 U/s 170 of IMV Act along with memorandum of facts for permission to take all defense available to R-1 and he also filed written statement of R-2.

Sri. DPK advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1 Hence, IA 3 is allowed. R-2 is permitted to take defense.

PW1 is cross examined by Sri. HMN advocate for R-2.

Sri. DPK advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w sec.151 of CPC for appointment of commissioner for examination of petitioner.

On the other hand of Sri. HMN advocate for respondent No.2 submits that IA No.4 filed by the petitioner may be allowed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for his examination as he is unable to appear before the court due to grievous injuries. Since the petitioner is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine

himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. DPK advocate for petitioner suggests name of Sri. SV advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DPK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and evidence of petitioner, by 07.07.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 425/2018 09.06.2022

Sri. GSN advocate for petitioner filed IA No.4 U/o 5 rule 20 of CPC along with memorable of facts and Court notice for permission to take sub service by way of paper publication against R-2. Heard argument on IA No.4 and perused record. It appears that though this court has issued notice to R-2 on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the petitioner to take sub service against R-2. Hence IA No.4 is allowed. Consequently, the petitioner is permitted to take sub service against R-2 by way of paper publication.

Sri. GSN advocate filed a memo along with draft paper publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Petitioner is directed to get publish paper publication in any local News paper where respondent No.2 reside or carries business for his livelihood on or before 27.06.2022 and direct respondent No.2 to appear before this Court on 28.07.2022.

Sri. GSN advocate for petitioner undertakes to get publish paper publication as per order. Hence he is permitted.

Office is ordered to issue paper publication to counsel for petitioner.

For compliance of order and

appearance of R-2 and written statement of R-2 by 28.07.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 1263/2017: 09.06.2022

Sri. GSN advocate for petitioner filed a memo to club MVC 1262/2017 and 1263/2017 as both petitions arise out of same cause of action and both petitioners are seeking compensation for injuries sustained in an accident occurred by a vehicle belonged to the same respondent No.1 in Since the cause of action and the respondents are same memo is allowed. Consequently, MVC 1263/2017 is clubbed with MVC 1262/2017 and common evidence recorded in MVC 1262/2017.

Petitioner in MVC 1262/2017 and 1263/2017 are present and filed their affidavit in lieu of their examination in chief. They are examined as PW1 and PW2 in part.

Call on for further chief of PW1 and PW2 by 29.06.2022

ASCJ & MACT, SRIRANGAPATNA

OS 82/2022: 07.06.2022

Heard Sri. MNN advocate for plaintiff on I.A. No.1 and perused the materials available on record.

Plaintiff has filed the present suit against the defendant for the relief of specific performance of contract in respect of suit schedule property contending that the defendant has executed registered sale agreement dated: 20.05.2019 in his favor agreeing to sell suit schedule property for Rs.11,43,000/- and received Rs.10,00,000/- as advance on different dates and agreed to receive balance of Rs.1,43,000/- at the time of registration of sale agreement. Though the plaintiff is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. Therefore, the plaintiff prayed to grant exparte temporary injunction. In support of her application the plaintiff has sworn an affidavit contending that the defendant have executed registered sale deed dated: 20.05.2019 in his favor agreeing to sell suit schedule property for Rs.11,43,000/- and received Rs.10,00,000/- as advance on different dates and agreed to receive balance of Rs.1,43,000/- at the time of registration of sale deed. Though he is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. The plaintiff has also produced original registered sale agreement dated 20.05.2019, executed in his favor by the defendant, RTC, Office copy of Legal notices, Postal receipts and acknowledgement.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. At this stage, it appears that plaintiff has made out a prima-facie case to proceed against defendant. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

:ORDER:

The defendant is hereby restrain to alienating the suit schedule property by way of sale, mortgage or other mode to the third parties till further orders.

If the plaintiff complies the provisions of order 39 rule 3 (a) of CPC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendant if PF and copies furnished. R/by 27.07.2022.

ASCJ, SRIRANGAPATNA

MVC 557/2021 06.06.2022

Smt. KLS advocate for R-2 filed IA No.2 U/s 170 of IMV Act along with memorandum of facts for permission

to take all defense available to R-1 and he also filed written statement of R-2.

Sri. GSN advocate for petitioner submits no objection.

R-1 called out. Absent. No representation. Hence, objection to IA 2 is taken as not filed. It appears from record that R-1 is not seriously contesting the petition. Hence, it is necessary to permit R-2 to take all the defense available to R-1 Hence, IA 2 is allowed. R-2 is permitted to take defense.

PW1 is cross examined by Smt. KLS advocate for R-2.

Sri. GSN advocate for petitioner filed IA No.3 U/o 16 rule 1 and 2 r/w 151 of CPC along with affidavit for permission to file list witnesses by condoning delay.

Smt. KLS advocate for R-2 submits no objection. R-1 called out. Absent. No representation. Heard arguments and perused record, IA and accompanied affidavit. It appears that the petitioner has sought for permission to filed list of witnesses by condoning delay for which R-2 submit no objection. Hence, IA 3 is allowed. Petitioner is permitted to file list of witnesses. List of witnesses filed.

Sri. GSN advocate for petitioner filed examination in chief of PW2 by way of affidavit and Ex.P.14 is got marked and fully cross examined.

Call on for further evidence of petitioner by 13.06.2022.

ASCJ & MACT, SRIRANGAPATNA

OS 22/2021: 13.04.2022

Sri. KK advocate for plaintiff filed IA No.2 U/o 5 rule 20 of CPC along with affidavit for permission to take sub service by way of paper publication against defendant No.4 Heard arguments on IA No.2 and perused record. It appears that though this court has issued summons to defendant No.4 on several occasions but summons were returned unserved. Hence, having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the plaintiff to take sub service against defendants No.4 Hence, IA No.2 is allowed. Consequently, the plaintiff is permitted to take sub service against defendant No.4 by way of paper publication.

If Sri. KK advocate for plaintiff filed a memo along with draft publication.

Office is ordered to verify draft and put up.

Office verified draft and found it correct. Hence draft is approved.

Plaintiff is directed to get publish paper publication in any local News paper where defendant No.4 reside or carries business for his livelihood on or before 18.04.2022 and direct

defendant No.4 to appear before this court ton 26.05.2022.

Sri. KK advocate for plaintiff undertakes to get publish paper publication as per order. Hence, he is permitted.

Office is ordered to issue paper publication to counsel for plaintiff.

For compliance of order and appearance of defendant No.4 by 26.05.2022.

ASCJ, SRIRANGAPATNA

EX 20/2018: 12.04.2022

Heard argument. Dhr has filed IA No.5 U/o 5 rule 20 of CPC along with memorandum of facts for permission to take sub service by way of paper publication against Jdr. Heard arguments on IA No.5 and perused record. It appears that though this court has issued notice to Jdr on the previous date, it was not served. Hence having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case to permit the Dhr to take sub service against Jdr. Hence IA No.5 is allowed. Consequently, the Dhr is permitted to take sub service against Jdr by way of paper publication.

Dhr is directed to get publish paper publication in any state level Kannada Daily News paper where Jdr reside or carries business for his livelihood.

Call on for to furnish paper publication draft by 22.04.2022

ASCJ, SRIRANGAPATNA

OS 46/2018: 19.04.2022

Sri. SSP advocate for defendant No.6 filed IA No.6 u/o 8 rule 1(a) of CPC seeking permission to produce list documents by condoning delay and along with list with documents.

On the other hand Sri. SV advocate for plaintiff submits that IA No.6 filed by the defendant No.6 may be allowed with cost. Perused IA and same is allowed with cost of Rs.100/- and list with documents taken as on record. Ex.D.13 to D.71 are got marked. Call on for Cross examination of DW1 by 09.06.2022

ASCJ, SRIRANGAPATNA

OS 72/2021: 12.04.2022

Sri. NKS advocate filed power for defendant No.4.

Sri. BRT advocate filed IA No.8 U/o 1 rule 10(2) of CPC to implead the IA schedule persons as plaintiffs with vakalath.

On the other hand Sri. JS advocate for plaintiff submits that IA No.8 may be allowed.

Perused IA and affidavits and same is allowed. The IA schedule persons are permitted are come on record as plaintiff No.9 to 17.

Heard arguments.

Perused entire records I am of the opinion that to avoid the multiplicity proceedings between the parties it is fit case to pass status quo order. Therefore, I proceed to pass following order.

ORDER

Both parties are hereby directed to maintain status quo till next date of hearing.

Amendment and amended plaint by 18.04.2022

ASCJ, SRIRANGAPATNA

MVC 77/2020: 19.04.2022

Sri. GPJ advocate for petitioner filed IA No.4 U/o 26 rule 4 r/w

sec.151 of CPC for appointment of commissioner for examination of petitioner.

On the other hand of Sri. NVR advocate for respondent submits that IA No.4 filed by the petitioner may be allowed.

Heard arguments and perused record. It appears that the petitioner has sought for appointment of Commissioner for his examination as he is unable to appear before the court due to grievous injuries. Since the petitioner is unable to appear before the court and in view of no objection by the respondent, this Court is of opinion that it is fit case to permit petitioner to get examine himself through Court commissioner. Hence, IA 4 is allowed. Consequently, Commissioner is appointed.

Sri. DPK advocate for petitioner suggests name of Sri. MP advocate as Commissioner for examination of petitioner.

Sri. SV advocate has agreed to act as Commissioner. In this regard he filed consent memo.

Hence, Sri. SV advocate is advocate is appointed as Commissioner. Commissioner fee tentatively fixed at Rs.2,000/-. Sri. DPK advocate undertakes to pay commissioner fee.

Issue commission warrant. If PF paid.

Await Commissioner report and evidence of petitioner, by 9.06.2022.

ASCJ & MACT, SRIRANGAPATNA

MVC 856/2020: 19.04.2022

Sri. NSS advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath and objection statement.

On the other hand Sri. DCG advocate for petitioner submits no objections to allow the IA No.1.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside and objections taken as on record.

Issues framed. Call on for evidence of petitioner by 15.06.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 378/2021: 19.04.2022

Sri. NS advocate for respondent No.2 filed IA No.2 u/s 151 of CPC seeking permission to file objection statement and along with objections.

Petitioner and their counsels called out. Absent. Hence, objection is taken as not filed. Perused and memorandum of facts and same is allowed in the interest of justice and equity. Objection taken as on record.

Issues framed. Call on for petitioner evidence by 28.06.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 852/2020: 19.04.2022

Sri. NSS advocate for respondent filed IA No.1 u/s 151 of CPC seeking permission to file objection statement and along with objections.

On the other hand Sri.NSC advocate for petitioner submits no objection to allow the IA No.1. Perused and memorandum of facts and same is allowed in the interest of justice and equity. Objection taken as on record.

Issues framed. Call on for petitioner evidence by 17.06.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1635/2018: 19.04.2022

Sri. NSC advocate for petitioner filed IA No.6 U/o 16 rule 1 and 2 r/w 151 of CPC along with affidavit for permission to produce list of witnesses.

Respondent called out. Absent. No representation. Hence, objection is taken as not filed.

Heard arguments and perused record, IA and accompanied affidavit. It appears that the petitioner has sought for permission to produce list of witnesses to give

evidence in support of his case. Hence, having regard to the facts and circumstances of the case I am of the opinion that it is a fit case to permit petitioner to file list of witnesses for adjudication of matter in dispute. Hence, IA 6 is allowed.

Sri. NSC advocate filed list of witnesses and prays to issue process to witness. Hence, issue hand summons to witness as prayed in PF.

For further evidence of petitioner by 17.06.2022

ASCJ & MACT, SRIRANGAPATNA

MVC 1345/2019: 18.05.2022

Sri. AH advocate for petitioner filed IA No.3 u/o 7 Rule 14(3) of CPC seeking permission to produce list with documents by condoning delay and along with list with documents. On the other hand Sri. MP advocate for respondent No.2 submits no objection. Perused IA and affidavit and same is allowed and list with documents taken as on record.

Sri. AH advocate for petitioner filed examination in chief of PW1 by way of affidavit. Ex.P.1 to P.15 are got marked. Call on for cross-examination of PW1 by 17.06.2022.

ASCJ & MACT, SRIRANGAPATNA

OS 8/2017 : 19.04.2022

Sri. MRV advocate for plaintiff filed I.A.No.3 U/o 22 R. 4 R/w 151 of CPC to bring the Lrs of defendant No.2, I.A.No.4 U/o 22 R.9 of CPC to Set aside the abatement orders passed by this court and also filed I.A. No.5 U/s 5 of Limitation Act.

Issue notices on I.A.'s to the Lrs of defendant No.2 through the hands of advocate for plaintiff.

R/by 20.04.2022

ASCJ & MACT, SRIRANGAPATNA

OS 62/2022: 18.04.2022

Heard Sri. HR advocate for plaintiff on I.A. No.1 and perused the materials available on record.

Plaintiff has filed the present suit against the defendant for the relief of specific performance of contract in respect of suit schedule property contending that the defendant has executed registered sale deed dated: 30.06.2020 in her favor agreeing to sell suit schedule property for Rs.24,00,000/- and received Rs.21,50,000/- as advance on different dates and agreed to receive balance of Rs.2,50,000/- at the time of registration of sale deed. Though the plaintiff is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. Therefore, the plaintiff prayed to grant exparte temporary injunction. In support of her application the plaintiff has sworn an affidavit contending that the defendant have executed registered sale deed dated: 30.06.2020 in her favor agreeing to sell suit schedule property for Rs.24,00,000/- and received Rs.21,50,000/- as advance on different dates and agreed to receive balance of Rs.2,50,000/- at the time of registration of sale deed. Though she is ready to get execute sale deed, the defendant evaded to execute sale deed and on the other hand, he trying to sell suit property to third party. The plaintiff has also produced original registered sale agreement dated 30.06.2020, executed in her favor by the defendant, RTC, Office copy of Legal notices, Postal receipts and acknowledgement.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. At this stage, it appears that plaintiff has made out a prima-facie case to proceed against defendant. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

:ORDER:

Issue Exparte Temporary Injunction, against the defendant as prayed in I.A.No.I, if the plaintiff complies the provisions of order 39 rule 3 (a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendant if PF and copies furnished. R/by 04.07.2022.

ASCJ, SRIRANGAPATNA

OS 68/2021 : 17.04.2021

Heard Sri. DSP advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule property contending that, suit schedule property are joint family property of himself and

defendants and he is entitled for share in the suit schedule property.

Now the defendants are trying to alienate the suit schedule property by taking undue advantage of revenue record. As such it is necessary to restrain the defendants from alienating the property. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of his application the plaintiff has sworn affidavit and produced RTC and MR pertaining to suit schedule property and family Genealogical tree affidavit. Sri. DSP advocate also filed memo with one document.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendants alienating the suit schedule property. The plaintiff claims that he is entitled for share in the suit schedule property. The materials available on record discloses that the right of plaintiff is to be considered as he claimed to be member of joint family. If the defendants alienated the property the plaintiff will be put to hardship and it would lead the multiplicity of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will

be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No. 1 to 8 as prayed in I.A.No.I and direct the defendants not to alienate the suit properties. if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. R/by 31.05.2021.

ASCJ, SRIRANGAPATNA

OS 54/2022: 11.04.2022

Heard Sri. SK advocate advocate for plaintiff on I.A. No.1 and perused the materials available on record.

Plaintiff has filed the present suit against the defendant No.1 to 3 for the relief of partition and separate possession of suit schedule properties contending that the suit schedule properties are ancestral and joint family properties and joint family properties of himself and defendant No.1 to 3. The defendant No. 1 to 3 now trying to alienate the suit schedule properties and alienate the suit properties. As such it is necessary to restrain the defendant No.1 to 3 from alienating the suit schedule properties. Therefore the plaintiff prayed to grant exparte temporary injunction.

In support of his application the plaintiff has sworn affidavit and produced RTC extract, demand register extract and family G Tree of his family.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. At this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction, against the defendant No.1 to 3 as prayed in I.A.No.I, if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till further order.

Issue notice on I.A.No.I and suit summons to defendant No.1 to 3 if PF and copies furnished. Returnable by 30.06.2022.

ASCJ, SRIRANGAPATNA

OS 60/2022: 11.04.2022

Heard Sri. HL advocate advocate for plaintiff on I.A. No.1 and perused the materials available on record.

Plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule properties contending that the suit schedule properties are ancestral and joint family properties and joint family properties of themselves and defendants. The defendants now trying to alienate the suit schedule properties and alienate the suit properties. As such it is necessary to restrain the defendants from alienating the suit schedule properties. Therefore the plaintiff prayed to grant exparte temporary injunction.

In support of his application the plaintiff has sworn affidavit and produced RTC extract, demand register extract, Death Certificate of A.Rakesh and family G Tree of his family.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. At this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court

proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction, against the defendants as prayed in I.A.No.I, if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till further order.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. Returnable by 29.06.2022.

ASCJ, SRIRANGAPATNA

OS 66/2021 : 17.04.2021

Heard Sri. BNG advocate for plaintiff on I.A.No.1 filed U/o 39 rule 1 and 2 of CPC. A perusal of record it appears that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession of suit schedule properties contending that, suit schedule properties are joint family property of herself and defendants and she is entitled for share in the suit schedule properties.

Now the defendant No.1 5o 8 are trying to alienate the suit schedule properties by taking undue advantage of revenue record. As such it is necessary to restrain the defendant No.1 to 8 from alienating the properties. Therefore, the plaintiff prayed to grant exparte temporary injunction.

In support of her application the plaintiff has sworn affidavit and

produced RTC pertaining to suit schedule properties and legal notice.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.I and documents produced along with plaint. It appears that, there is an apprehension of defendant No.1 to 8 alienating the suit schedule properties . The plaintiff claims that she is entitled for share in the suit schedule properties.

The materials available on record discloses that the right of plaintiff is to be considered as she claimed to be member of joint family. If the defendants alienated the properties the plaintiff will be put to hardship and it would lead the multiplicity of the proceedings. Therefore, at this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiffs may not be compensated in terms of money. I am also of the opinion that it is fit case to dispense with notice of IA 1 as the very purpose of injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction against the defendant No. 1 to 8 as prayed in I.A.No.I and direct the defendants not to alienate the suit properties. if the plaintiff comply the provisions of Order 39 Rule 3(a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit

summons to defendants if PF and copies furnished. R/by 31.05.2021.

ASCJ, SRIRANGAPATNA

MVC 554/2021: 20.04.2022

Sri. MB advocate for respondent No.2 filed IA No.1 u/o 9 rule 7 of CPC to set aside the exparte order passed against the respondent No. 2 along with vakalath.

On the other hand Sri. GSV advocate for petitioner submits no objections to allow the IA No.1.

Perused IA and memorandum of facts have satisfied and same is allowed in the interest of justice and equity. And exparte order passed against the respondent No.2 is hereby set aside.

Reissue notice to respondent Reissue notice to respondent No.1 and 3 through RPAD and objections of respondent No.2 by 19.05.2022

ASCJ & MACT, SRIRANGAPATNA

OS 64/2020: 21.06.2022

The defendant and their counsels are present.

The defendant has filed the application u/s 151 of CPC seeking pass an order for revalidates the final decree obtained by the defendant.

Perused IA and affidavit, the defendant stated that he has obtained final decree on stamp paper from this court but he is not produced before the Sub Registrar for registration is in time due to unavailable circumstances, the reasons assigned by the defendant is to be acceptable one. Therefore, I proceed to pass following,

ORDER

The application u/s 151 of CPC filed by the defendant is hereby allowed.

Office is directed to revalidates the decree.

ASCJ, SRIRAGAPATNA

FDP 22/2011: 19.04.2022

Case is ordered to put-up today on IA filed u/s 151 of CPC by Smt. BRL advocate for respondent No.5. Heard on IA on perused record. It appears that the respondent No.5 has sought for direction of this Court to Sub-register to register compromise decree. Hence, having regard to the facts and circumstances of the case IA is allowed and case is taken up on board.

Smt. BRL advocate filed another IA u/s 151 of CPC along with affidavit of respondent No.5 and a memo with compromise decree passed in FDP 22/2011 in his affidavit respondent No.5 sworn that though he has obtained final decree by this Court on 16.09.2019, he could not get registered decree in the office of Sub-registrar due to Covid-19. Now the respondent No.5 pray to revalidate the same and issue direction to the Sub-registrar. On perusal of record it appears that during pendancy of suit the petition and petitioner and respondents are compromise the matter before Lok-Adalth on 9.03.2019 and decreed the petition interms of compromise petition. Though the respondent No.5 has obtained final decree from this Court on 16.09.2019, he could not registered the same due to Covid-19.. Therefore, having regard to the facts and circumstances of the case this Court is of the opinion that it is a fit case to revalidate decree and issue direction to the Sub-registrar, Hence, IA is allowed.

Office is ordered to issue direction

to the Sub-registrar to register compromise decree as per law.

ASCJ , SRIRANGAPATNA

OS 158/2018: 21.04.2022

Sri. HR advocate for plaintiff filed IA No.4 U/o 22 rule 4 r/w 151 of CPC along with affidavit to bring LRs of defendant No.2 on record, IA No.5 u/o 22 rule 9 of CPC to set aside statutory abatement and IA No.6 filed u/s 5 of Limitation Act to condone delay.

Defendants and their counsels are absent. Perused order sheet already sufficient opportunities has been given to defendants to file objection to IA No.4 to 6. Hence, objections to IA No.4 to 6 taken as not filed.

Heard arguments.

On perusal of documents it is appears that the defendant No.2 died on 11.12.2019 leaving behind the applicants as Lrs. Therefore the applicants are only legal heirs of defendant No.2. There are reasonable grounds to believe that the applicants are the legal heirs of the defendant No.2 and there are the reasonable grounds to condone delay in bringing Lrs. Hence, IA's are allowed. The applicants are permitted to come on record as legal heirs of defendant No.2.

For amendment and amended plaint by 22.04.2022

ASCJ, SRIRANGAPATNA

MVC 1076/2018: 13.07.2022

Heard Sri. MRV advocate for petitioner on IA filed u/s 152 of CPC for amendment of judgment and award. Perused record. It appears from Judgment and Award passed by this Court dated: 16.12.2021 that this Court has awarded compensation to petitioner. At the time of passing of judgment this Court has awarded a sum of Rs.12,20,438/- in MVC 1081/2018 and Rs.13,37,518/- in MVC No.1076/2018 instead of Rs.12,20,438/- in MVC 1076/2018 and Rs.13,37,518/- in MVC No.1081/2018

wrongly mentioned it is typographical error. On the other hand the counsel for respondents submits no objections. It appears that the said mistake is due to accidental slip at the time of passing judgment and it will not change findings given in the judgment. This correction is also necessary to prevent abuse of the process of the Court. Therefore, considering the facts and circumstances of the case I am of the opinion that it is fit case to make necessary correction in the judgment and award by exercising inherent power. Hence, I proceed to pass the following:

:Order:

IA filed u/s 152 of CPC is allowed. Consequently, the petitioners are entitled for Rs.12,20,438/- in MVC 1076/2018 and Rs.13,37,518/- in MVC No.1081/2018.

Office is directed to rectify the same in the award also.

ASCJ & MACT, SRIRANTAPATNA

OS 128/2017

Orders and application u/s 153 of CPC.

1. The applicant / defendant No.5 has filed the present application seeking permission to amend the compromise petition as sought in the application.

2. In the affidavit annexed to the application it is contended that the plaintiff has filed the suit against the defendants partition and separate possession over the suit schedule properties. Due to time the intervention the matter was settled and suit is decreed as per the compromise petition. But due to the typographical error the Sy Number of Item No.1 of the property the share which alloted to the applicant / defendant No.5 wrongly mentioned as Sy. No.145/B1 instead of Sy. No.145/4B1 which cause hardship when seeking order to permit to amend the compromise petition and thereafter amend the decree consequently. With the application is allowed no injustice and inconvenience will be caused to the other side. Hence, prays for allowing the application in the interest of justice and equity.

3. The plaintiff and remaining defendants and their counsels called out. Absent. Hence, objections taken as not filed.

4. The point for consideration in view of the application is as follows.

1. Whether the applicant / defendant No.5 is made out a ground for allowing the application at this stage for the reasons set out in the

*a*ffidavit *annexed to the application?*

5. My answer to the above said point in the affirmative for the following:

REASONS

6. The present application is filed by the applicant / defendant No.5 u/s 153 of CPC. On perusal of the entire record, the suit is filed by the plaintiff against the defendants for partition and separate possession on the suit schedule properties on 27.11.2017. But the suit was ended in compromise on 24.04.2019. The compromise petition was filed on the same day and it was allowed and directly the office to draw final decree in terms of compromise petition filed by the parties. The Item No.1 alloted to the share of applicant / defendant No.5, but the Sy number was wrongly shown as Sy. No.145/B1 instead of Sy. No.145/4B1. In support of the application the defendant No.5 has also furnished the RTC, which disclosed that Item No.2 alloted to the the defendant No.5 in Sy. No.145/B1 instead of Sy. No.145/4B1. When both parties already entered in to compromise and directly the office to draw final decree in terms of compromise petition. If the present application not allowed and if the applicant is not permitted carried out amendment in the compromise petition definitely the parties of the compromise petition are not in a possession to enjoy the fruits of the. More over other side counsels or parties are not objected the application. No doubt the present application is filed after lapse of two years at belated stage. But on careful reading the section 153 of CPC which read thus

"The court may at any time on such terms as to cost or otherwise as it may think fit, amend any defect or error in any proceedings in a suit and all necessary amendments shall be made for the purpose of determining the real question or issues raised by or depending on such proceedings".

The wording as spelt out in the above said provision it reflects that, at any time in order determine the real question or issue amend any defect. In the present the suit the parties while presented the compromise petition to settle the matter amicably. By mistakenly the typographical error the Sy. No.145/B1 instead of Sy. No.145/4B1. This defect can be cure at any stage before the registering authority they are unable to register the same due to mistake in the Sy. number in the compromise petition. When the final decree not registered in accordance with law as per the provision of the registration act. The plaintiff as well defendants are not in a possession to enjoy the fruits of the decree. By considering the aspects in the interest of justice and meet the ends of justice the applicant as made out a ground for the application at this stage, hence, I answer point No.1 In the affirmative and proceed to pass following:

ORDER

Application filed by the applicant / defendant No.5 u/s 153 of CPC is hereby allowed.

The counsel for applicant / defendant No.5 is permitted to carried out amendment in the compromise petition within two days from date of this order.

ASCJ, SRIRANGAPATNA

MVC 424/2018 & 425/2018: 28.07.2022

Sri. GSN advocate for petitioner is present. Prays time for taken steps against the respondent No.2.

Perused order sheet, already sufficient opportunity has been given to petitioner to take steps. Hence, prayer is rejected and petition is dismissed for default.

ASCJ & MACT, SRIRANGAPATNA

MVC 1437/2017:

Again case is called out at 5.00 p.m. No representation. Perused order sheet. The petitioner is continuously absent. It appears that the case is posted for evidence for petitioner on 15.03.2018. Subsequently this court has given sufficient opportunity to the petitioner to lead their evidence but the petitioner has not appeared for evidence till date.

And also it appears that the petitioner is not interested to proceed with the case against the respondents. Hence, petition is dismissed for non-prosecution.

ASCJ & MACT, SRIRANGAPATNA

Sri. DPK advocate for Dhr present and filed a memo stating that, Execution petition may be dismissed as not pressed. Since EP is fully satisfied. Hence, EP is closed as fully satisfied.

ASCJ, SRIRANGAPATNA

FDP 22/2011: 17.12.2022

The respondent No. 4 and their counsels are present.

The respondent No. 4 has filed the application u/s 151 of CPC seeking pass an order for revalidates the final decree obtained by the respondent No.4

Perused IA and affidavit, the respondent No. 4 stated that he has obtained final decree on stamp paper from this court but he is not produced before the Sub Registrar for registration is in time due to unavailable circumstances, the reasons assigned by the respondent No. 4 is to be acceptable one. Therefore, I proceed to pass following,

ORDER

The application u/s 151 of CPC filed by the respondent No.4 is hereby allowed.

Office is directed to revalidates the decree.

ASCJ, SRIRANGAPATNA

FDP 5/2011: 12.01.2023

ORDER

1. The petitioner has filed final decree proceedings u/s 54 of CPC on the basis of preliminary decree passed in OS No.32/2003 in respect of the suit schedule properties.

2. After filing of this final decree proceedings final decree was drawn in respect of the Item of No.2 property. Thereafter the respondent No.5 has filed another final decree proceedings against the respondents in FDP No.7/2020 and the said petition was disposed off on 23.07.2021 against the said order. The brother of respondent No.1 by name Puttaramu has filed Civil Revision Petition No.118/2015 before the Hon'ble High Court of Karnataka wherein the Hon'ble High Court of Karnataka observed that, the liberty is reserved to the parties to obtain the final decree engrossed on stamp paper by the trail court pursuant to the final decree passed in FDP No.7/2010 or the final decree passed in FDP No.18/2006 before the trail court of any other mode in accordance with law.

3. On the above observation made by the Hon'ble High Court of Karnataka the respondent by name Manchegowda has filed an application u/s 151 of CPC taken the case on board. As per the request of the respondent No.1 case is taken on board, that on 12.01.2020 the respondent No.1 has filed another one application u/o 26 rule 13 r/w Sec. 151 of CPC seeking to appoint the court commissioner to demarcate his share and share of respondent No.3 and 4 along with relinquish deeds executed by the respondent No.3 and 4 in favour of respondent No.1. Thereafter

application was allowed and appointed court commissioner. He has submitted his report.

4. Heard arguments on court commissioner report.

5. Perused court commissioner report, the court commissioner i.e., Taluk Surveyor was appointed in respect of the Item No.1 of the petition schedule property and who submitted his commissioner report and demarcated the share of the respondent No.1, 3 and 4 jointly. After filing of these applications by the respondent No.1 the counsel for respondent reported the death of respondent No.2. But counsel for petitioner or counsel for respondents have not filed any Lrs applications. In the commissioner report the share of the respondent No.2 is also demarcated and it is mentioned in the Survey sketch also, if the Lrs of respondent No.2 are at liberty to get final decree at later stage also. Therefore considering the facts and circumstances of the case I am of the view that the respondent No.1 is entitled for final decree in respect of the Item No.1 of the petitions schedule property. Therefore I proceed to pass following,

ORDER

The application u/o 26 rule 13 r/w sec. 151 of CPC filed by the respondent No.1 is hereby allowed.

Further it is ordered that, draw a final decree

in respect of Item No. 1 of petition schedule property as per sketch of Taluk Surveyor.

The sketch of the Taluk Surveyor dated 19.12.2021 shall be part and parcel of the final decree.

Draw a final decree accordingly.

Addl. Senior Civil Judge,
Srirangapatna

To,

The Hon'ble Prl.District and Sessions Judge,
MANDYA.

From,

Mahadevappa H.
Addl. Senior Civil Judge,
Srirangapatna

THE COUNSEL FOR PETITIONER NOT COME FORWARD TO TAKE PROPER STEPS AGAINST RESPONDENTS WITHIN TIME.

THE COUNSEL FOR DHR NOT COME FORWARD TO TAKE PROPER STEPS AGAINST JDRS WITHIN TIME.

THE PETITIONER HAS NOT APPEAR BEFORE THE COURT WHEN CASE IS POSTED FOR PETITIONER EVIDENCE.

THE PLAINTIFF HAS NOT APPEAR BEFORE THE COURT WHEN CASE IS POSTED FOR PLAINTIFF EVIDENCE.

THE COUNSEL FOR PLAINTIFF HAS NOT PROPERLY PRESENT BEFORE THE COURT WHEN CASE IS FIXED FOR ARGUMENTS/HEARING

THE COUNSEL FOR PLAINTIFF NOT COME FORWARD TO TAKE PROPER STEPS AGAINST DEFENDANTS WITHIN TIME.

OS 168/2022 :13.04.2023

Sri. SSP advocate for defendant no. 5 filed IA no. 6 filed U/s 151 of CPC seeking permission file written statement of defendant No. 5 and along with W.S.

On the other hand SLG advocate for plaintiff submits IA. No. 6 filed by the Defendant No. 5 may allowed with cost.

Perused IA and affidavit and same is allowed with cost of Rs. 300/- and W.S. of defendant No. 5 taken as on record. Call on for objection to IA. 5 by 07.06.2023.

ASCJ & MACT, SRIRANGAPATNA

Issue notice to respondent No.1 and 2 through RPAD, r/by 09.10.2023.

ASCJ & MACT, SRIRANGAPATNA