

ORDERS ON COMPROMISE PETITION

The plaintiff and defendant no.1 to 4 have filed this compromise petition in respect of suit schedule properties. As per the plaint averments the plaintiff filed the suit for partition and separate possession in respect of suit properties. The plaintiff in the plaint itself mentioned the family tree of the plaintiffs and defendants. As per the family tree propositious Hanumappa had wife Sooramma and both were dead leaving behind the 07 childrens by names Timmanna, Bhimayya, Gangamma, Danappa, Amarayya, Mangamma and Gangamma. Out of them Timmanna had a wife Jindamma and 3 children by name Mojinamma, Ayyanna and Jindappa. As per the records the present suit was filed by the Timmanna and Bheemayya branch and other family members namely Gangamma, Dhanappa, Amarayya, Mangamma, Gangamma were not made as parties to this suit.

2. As per the parties to the suit and parties to the compromise are the children of deceased Hanumappa other children of Hanumappa were not made as parties to the suit. As per the pleadings the Hanumappa is the common ancestor to the parties to the

suit and other persons who are not the parties to the suit.

3. As per the plaint page no.4 in the middle portion mentioned that the suit properties are the ancestral and joint family properties, still the partition not taken place between the plaintiffs and defendants over the suit schedule properties. Hence it shows that this being a suit for partition in respect of family members of ancestor Hanumappa. Hence all the family members are the necessary parties. Hence under such circumstance this court is of the opinion that the compromise between the some of the family members is not permissible in accordance with law. Hence this court is of the opinion that the compromise between the parties by leaving other family members cannot be accepted. Hence compromise is not in accordance with law. Hence this court proceed to pass the following;

O R D E R

The application U/o.23 rule 3
of C.P.C is hereby rejected.

**Senior Civil Judge and J.M.F.C.,
Devadurga.**