

Date: 10.10.2014

ORDERS ON MEMO

Learned Advocate Sri H.S.S for defendant No.4, 6 and 7 filed a memo along with a decision of the Hon'ble High court of Karnataka and submitted that they have to be transposed as plaintiff in the suit. To this memo the counsel for the plaintiff submitted he has no objection to allow the memo.

I have perused the decision of the Hon'ble High court of Karnataka reported in AIR 2002 KAR 76 between Smt. Gowramma V/s Nanjappa and others. In that decision it is held that in a suit for partition by joint family member, claim of defendants is a ground to grant permission to transpose such defendant as a plaintiff. In this suit also defendant No. 4, 6 and 7 filed their written statement and counter claim praying for their share. Therefore they can be permitted to join as plaintiffs and to be transposed as prayed for on payment of required court fee by applying above principles laid down in the above decision.

As memo is filed by Sri T.K.A. today, I.O is extended till next date of hearing. Call on for amendment and transposition as prayed for by 28.10.2014

Addl. Senior civil Judge,
Ramanagara.