



I.A filed by the	Petitioner
Date of filing of I.A	16.06.2023
Date of filing of Objection	11.09.2023
Date of Order	28.10.2024

**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE AND
CJM AT RAMANAGARA**

Dated : This the 28th Day of October, 2024

Present

Sri. LOKESHA

B.A., L.LB.,

Prl. Senior Civil Judge & CJM.,
Ramanagara.

Mis.No.30/2022

Petitioner :- Smt. Mangalamma

V/s

Defendants :- Smt. Shankaramma and others

I.A.No.3

Applicant :- Smt. Mangalamma

(Petitioner)

-V/s-

Opponent :- Special Land Acquisition Officer



- (Respondent No.7)

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ORDERS ON I.A.NO.3

This application is filed by the Petitioner requesting the court to implead the proposed Respondent No.7 and 8.

2. In the affidavit filed accompanying this application, the Petitioner Smt. Mangalamma states that he had filed this petition seeking to set aside the exparte Judgment and Decree in O.S.No.15/2008, dated:21.10.2009 as per the direction of the Hon'ble High Court of Karnataka. It is further states that item No.10 Old Sy.No.475, New Sy.No.475/1 and 475/2 were acquired in the name of Respondent No.4 B.M. Manchegowda and G.K. Ramprasad Reddy respectively by the National Highway Authority, as per the notification dated:15.11.2021 for the purpose of widening of National



Highway. That this Petitioner is co-owner of the said acquired land. The Respondent in collusion have obtained fraudulent decree in O.S.No.15/2008 dated:21.10.2009 by showing the name of Petitioner as Padma instead of Shankaramma. That based on preliminary decree, Respondents have filed F.D.P.No.25/2010 and get compromised decree by impersonating the Petitioner herein. That the portin of the above said survey number have been acquired by National Highway authority. The name of B.M. Manchegowda and proposed Respondent are making attempt to receive the compensation amount from National Highway authority, for which this Petitioner given representation before the Special Land Acquisition Officer for not disburse the compensation amount pending disposal of suit. If the compensation amount is disbursed in favour of the Respondent No.4 and proposed



Respondent No.7, this Petitioner would be put to injustice. Hence, impleadment of proposed Respondents in this petition is necessary. Hence, she prays to allow this application.

3. On the other hand in spite of service of notice proposed Respondent No.8 G.K. Ramprasad Reddy has not appeared. The Authorized Officer of the proposed Respondent No.7 filed objections to this application contending that application is not maintainable either in law or on facts. It is further contended that the proposed Respondent is not party to the suit or final decree proceedings. Hence, impleadment of this proposed Respondent No.7 is not at all necessary. It is further states that the Miscellaneous petition is not maintainable and this proposed Respondent is neither formal nor



necessary party in this proceedings. Hence, it is prays to dismiss the application.

4. Heard the counsel for the Petitioner. In spite of opportunity given to the learned counsel for the Respondent No.7 has not addressed arguments. Hence case was posted for orders.

5. The following points arise for my consideration:-

(1) Whether presence of proposed Respondent No.7 and 8 is necessary in this petition?

(2) What order?

6. My answers to the above points are as under:-

Point No.1 : In the Affirmative;

Point No.2 : As per final order
for the following:-

**REASONS**

7. **Point No.1:-** Undisputedly, the present petition filed by the Petitioner-Smt. Mangalamma requesting the court to set aside the Judgment and Decree dated:21.10.2009 passed in O.S.No.15/2008 filed by the Respondent No.1 for partition and separate possession. It is true that the present Petitioner-Mangalamma has approached Hon'ble High Court of Karnataka by filing W.P.No.18606/2022(GMCPC) challenging the compromise decree of F.D.P.No.25/2010, dated:12.09.2011 passed before the Lok-Adalath and said petition has been disposed off with liberty to the present Petitioner to initiate proceedings under Order IX Rule 13 of CPC., By virtue of the said order of the Hon'ble High Court of Karnataka, Petitioner presented this petition seeking restoration of O.S.No.15/2008 by setting aside the Judgment and Decree dated:21.10.2009. As per the



affidavit filed accompanying this application, the portion of the survey numbers mentioned above have been acquired by the Special Land Acquisition Officer in the name of proposed Respondent No.8 and Respondent No.4 and Respondent No.4 and proposed Respondent No8 are trying to get the compensation amount released in their favour by virtue of the compromised in F.D.P.No.25/2010. As the proposed Respondent No.7 is acquiring authority and as the compensation amount of the acquired land is lying with the proposed Respondent No.7, the presence of the proposed Respondent No.7 would assist the court for adjudication of the dispute between the parties to the suit and present proceedings. So, if the proposed Respondent No.7 and 8 are not impleaded in this petition, in the event of Petitioner succeeding in this petition and if O.S.No.15/2008 is restored with original stage, it would be difficult for the



Petitioner to get the relief by this court. In order to resolve the dispute between the parties in O.S.No.15/2008 and even in the present petition, the presence of proposed Respondent No.7 is very much necessary. If they were impleaded which would no injustice to the proposed Respondent No.7 and 8. With these reasons **I answer Point No.1 in the “Affirmative”.**

8. **Point No.2:-** In view of my answer to Point No.1, I proceed to pass the following :-

ORDER

IA No.3 filed by the Petitioner under Order I Rule 10(2) r/w Sec.151 of CPC., is hereby allowed.

Proposed Respondent No.7 and 8 are ordered to be impleaded on record as Respondent No.7 and 8. the learned counsel for the Petitioner is directed to carryout amendment in the cause title of the petition by incorporating name of proposed



Defendants No.7 and 8 and to file
amended petition on 16.11.2024.

(Dictated to the Stenographer, transcribed by her, the transcript corrected, pronounced and then signed by me in the open Court on this the 28th day of October, 2024)

(Lokesha)
Prl. Senior Civil Judge & CJM,
Ramanagara.