

**IN THE COURT OF THE ADDL CIVIL JUDGE AND  
J.M.F.C AT CHANNAPATNA**

**PRESENT: Smt. Namrata Rao.K.S**

B.A.L, L.L.B., M.B.L  
Addl., Civil Judge and J.M.F.C.  
Channapatna.

**Dated: This the 20<sup>th</sup> day of September, 2017**

**O.S.No.76/2011**

**PLANTIFFS:**

1. Smt.Kadamma  
W/o Late M.Helevegowda,  
Aged about 80 years.
2. Smt. Ankamma  
D/o Late M.Helevegowda,  
Aged about 56 years.
3. Smt.M.H.Sarvamangal  
D/o Late M.Helavegowda,  
Aged about 50 years,  
R/at. No.144, "Sirigandha"  
Cauvery Nagara, 1<sup>st</sup> Cross,  
Hosalli Post, Mandya District.
4. Sri.M.H.Madhu  
S/o Late M.Helavegowda,  
Aged about 53 years.
5. Sri.M.H.Madhu  
S/o Late M.Helavegowda,  
Aged about 47 years.
6. Sri.M.H.Jaikrishna

S/o Late M.Helavegowda,  
Aged about 45 years.

7. Smt.M.H.Pushpa  
D/o Late M.Helavegowda,  
Aged about 40 years.
8. Sri.V.R.Siddappa  
S/o Late Ramanna and Savithri  
Aged about 38 years.
9. Sri.V.R.Anand  
S/o Late Ramanna and Savithri  
Aged about 35 years.

Plaintiff No.7 and 8 are residing at  
Vaidyanathapura Village,  
Kasaba Hobli, Maddur Taluk.

10. Smt.R.Shashikala  
W/o Late M.H.Ankanath,  
Aged about 43 years.
11. Sri.M.A.Sudeepraj  
S/o Late M.H.Ankanath,  
Aged about 23 years.
12. Sri. Dharaneshgowda  
S/o Late M.H.Ankanath  
Aged about 20 years.
13. Smt. Yashodamma  
S/o Late Mariankegowda,  
W/o A.S.Jayaramu,  
Aged about 65 years.
14. Smt. Ankamma  
D/o Late Mariankegowda,

Aged about 51 years.

Plaintiff No.2 and 13 residing at  
Annur Village, C.A.Kere Hobli,  
Maddur Taluk, Mandya District.

15. Sri. M.Balakrishna  
S/o Late Mariankegowda  
Aged about 49 years.
16. Sri. Chandru  
S/o Late Mariankegowda,  
Aged about 47 years.
17. Sri. Sudha  
D/o Late Mariankegowda  
Aged about 47 years.  
Residing at Vaidanathapura Village,  
Kasaba Hobli, Maddur Taluk.
18. Smt. Kamalamma  
W/o Late Mariankegowda,  
Aged about 65 years.
19. Sri.Mahesh Babu M.A  
S/o Late Mariankegowda,  
Aged about 38 years.
20. Smt. Geetha, W/o Jagadish  
D/o Late Mariankegowda,  
Aged about 35 years.  
R/at. Chakkere Village,  
Malur Hobli, Channapatna  
Taluk, Ramangara District.
21. Smt. Vijayamma  
W/o Late M.Madegowda,  
Aged about 65 years.

22. Smt. Veena, W/o Honnegowda  
D/o Late Madegowda,  
Aged about 40 years,  
R/at. No.940/A, 13<sup>th</sup> Cross,  
Vinaya Mara, siddarthanagara,  
Mysuru-1.
23. Smt. Nalina, W/o Lingegowda,  
D/o Late M.Madegowda,  
Aged about 38 years,  
C/o G.M.Kalegowda,  
# 242, 1<sup>st</sup> Cross, Kuvempunagara,  
Mandya City.
24. Smt. Suma, W/o Shivaswamy,  
Aged about 36 years,  
R/at. # 62, Jalamangala Road,  
Biligumba Cross,  
3<sup>rd</sup> Stage, Banashankari,  
Bangaluru-85.
25. Smt. Rashmi, W/o Shivanna,  
D/o Late M.Madegowda,  
Aged about 34 years,  
R/at. 294, 7<sup>th</sup> Main, 7<sup>th</sup> Block,  
Bajaj Show Room Ground Floor,  
3<sup>rd</sup> stage, Banashankari,  
Bangaluru-85.
26. Smt. Preethi, W/o Suresh,  
D/o Late M.Madegowda,  
Aged about 32 years,  
R/at. 294, 7<sup>th</sup> Main, 7<sup>th</sup> Block,  
Bajaj Show Room Ground Floor,  
3<sup>rd</sup> stage, Banashankari,  
Bangaluru-85.

27. Sri. Santhosh, S/o Late M.Madegowda,  
Aged about 28 years.

28. Pavithra D/o Late M.Madegowda,  
Aged about 25 years.

Plaintiff No.1, 4 to 6, 10 to 13, 15 and 16,  
18, 19, 21, 27, 28 are residing at  
Mudagere Village, Malur Hobli,  
Channapatna Taluk.

(By Sri.D.N.M., Advocate)

V/s

**RESPONDENTS:**

1. Sri. Ankegowda,  
S/o Late M.channegowda,  
Aged about 66 years.
2. Smt. Ankamma,  
W/o Chikkamadegowda,  
D/o Late M.Channegowda,  
Aged about 64 years,  
R/at. Kodamballi Village,  
Veerupakshipura Hobli,  
Channapatna Taluk,  
Ramanagara District.
3. Smt. Bhagya, W/o Thimmegowda,  
D/o late M.channegowda,  
Aged about 62 years, Major,  
R/at. Hottiganahosalli Village,  
Malur Hobli, Channapatna Taluk.
4. Smt. Sumithra, W/o Puttaramu,

D/o Late M.Channegowda,  
Aged about 60 years, Major,  
R/at. 18/38, 1<sup>st</sup> Main, 6<sup>th</sup> Cross,  
Judicial Layout, GKVK,  
Bangaluru-65.

5. Sri. Chandru  
S/o Late M.Channegowda,  
Aged about 58 years, Major.
6. Sri.Arkesh S/o Late M.Channegowda,  
Aged about 58 years, Major.
7. Smt.Viji @ Vijayamma,  
W/o Nagaraju,  
D/o Late M.Channegowda,  
Aged about 54 years, Major,  
Residing at Boodagadamarada  
Doddi, Harisandra Post,  
Kasaba Hobli, Ramanagara District.
8. Smt. Savithri, W/o Murthy,  
D/o Late M.Channegowda,  
Aged about 52 years, Major,  
R/at. 11, Munireddypalya post,  
Munireddy Street, J.C.Nagara,  
Near TV.Tower, Bangaluru-560 001.
9. Sri. Raju S/o Late M.Channegowda  
Aged about 50 years, Major.
10. Smt. Latha, W/o Siddaraju,  
D/o Late M.Channegowda,  
Aged about 48 years, Major.  
R/at Basaralu Village,  
Police Quarters, Mandya Taluk.  
Defendants No.1, 5, 6 and 9 are  
Residing at Mudagere Village,

Malur Hobli, Channapatna Taluk,  
Ramanagara District.

(D.1, 2, 4, 8 and 9 and 10 Exparte)  
(By D.5 K.T.T., D-3 & 7 Sri.D.K., D-6 M.K.M.,  
Advocate)

**PARTIES TO I.A.**

**Applicant 5<sup>th</sup> Plaintiff** : Sri.M.H.Jayramu

-V/s-

**OPPONENT/ DEFENDANT** : Kadamma & Others

**ORDERS ON I.A.**

1. The present application is filed u/Order 1 Rule 10 of C.P.C. filed by the plaintiff to the defendant.
2. The suit is for the relief of partition and separate possession of the suit schedule property. The contention of the applicant/plaintiff in the application is that, the suit schedule properties acquired for the purpose of vide N.H-275 of amount of pass, hence prays for proposed defendant, is defendants in the above suit.
3. Notice on IA was served on proposed defendant which is remained absent.

4. On perusal of the materials on record, the following point arise for my consideration;

1. Whether the plaintiff shows that the proposed defendants are necessary or proper to enable the court to effectively and final adjudicate the matter?
2. What order?

5. My findings on the above points are as under;

- 1) In the Negative,
- 2) As per final order, for the following;

### **REASONS**

**6. Points 1:-** The present suit is for the partition and separate possession of the suit schedule property. The relationship is not in dispute. The fact that the suit schedule property is acquired and is not divided by the party on record. Such being the fact, this court has to examine whether the proposed defendant is necessary to adjudicate the question in controversy fully and finally or the proposed defendant is a proper party to adjudicate the matter on hand.

**7.** A necessary party accordingly U/o 1 rule 10 (2) is a person who is necessary in order to enable the court effectually adjudicate the point and settle all the questions involved in the suit. In a partition suit, the persons necessary are one whose presence are required for just and equitable partition of the family property. In the present application, LAO Ramanagara is sought to be made as a party to the suit. The land is admittedly acquired and the compensation amount is awarded. Once the amount is awarded the land acquisition officer becomes functus officio. To divide award amount among the members of the family, the presence of the LAO is not at all required. Further no relief is sought against the LAO.

**8.** The applicant contended that if the defendant draws the amount, the same will lead to multiplicity of the proceedings. For this reason LAO is to be made as a party. But fact that the defendant may draw the amount can not be a reason to implead LAO, Ramanagara. In view of the discussion above, I am of the opinion that proposed defendant is neither necessary nor a proper party to the above proceedings. Hence I answer the point No. 1 in the Negative.

**9. Point No.2:-** As per discussion made above, I proceed to pass the following;

**ORDER**

I.A. filed under Order 1 Rule 10  
of CPC is dismissed with costs of  
Rs.500/-.

(Dictated to stenographer, transcribed by her, the transcript corrected by me and then pronounced in the open court on this the 20<sup>th</sup> day of September, 2017)

(Namratha Rao.K.S)  
Addl., Civil Judge and J.M.F.C,  
Channapatna.

(Order pronounced in the open court)

**ORDER**

I.A. filed under Order 1 Rule 10 of CPC is dismissed with costs of Rs.500/-.

(Vide Separate order)

Addl., Civil Judge and J.M.F.C,  
Channapatna.