

KAUK510000722019



**ORDER ON MEMO**

The plaintiff no.2 filed memo stating that, the subject matter of the dispute in the present suit is amicably settled out of the Court between the plaintiffs and defendant no.1 to 6. Hence, prayed to dispose off the suit as settled out of Court. It is also stated that, the suit against the defendant no.7 to 12 also be disposed off as not pressed in the interest of justice and equity.

The defendant no.7 to 12 have filed objections to the memo stating that, memo filed by the plaintiffs on 06.08.2025 is false, the plaintiffs have stated in the memo that, they and defendant no.1 to 6 have compromised the dispute. The plaintiffs have not mentioned regarding the share of defendant no.7 to 12 in the memo. The plaintiffs have stated that, suit schedule 'D' property i.e., Block No.157 measuring 13 acres 09 gunthas situated at Murgawada Village is standing in the name of defendant no.7 to 12 and they are necessary parties to the suit. The defendant no.7 to 12 were also cross-

examined the witnesses of the plaintiff. Now the plaintiffs have filed this memo to dispose off the suit as settled out of the Court. The defendant no.7 to 12 are having  $\frac{1}{2}$  share in Block No.157 measuring 13 acres 09 gunthas. Therefore, the memo filed by the plaintiffs on 06.08.2025 is to be rejected. As the defendant no.7 to 12 are having  $\frac{1}{2}$  share in Block No.157 they are ready to pay the Court fee with regard to their share, therefore, they prayed to reject the memo.

Heard both counsels and perused the records.

The plaintiffs have filed this suit for the relief of Partition and Separate Possession against the defendant no.1 to 12. Now the plaintiffs have filed this memo to dispose off the suit as settled out of the Court and also stated that, case against defendant no.7 to 12 may be disposed off. The defendant no.7 to 12 are contending that, they are having  $\frac{1}{2}$  share in suit Schedule "D" property i.e., Block No.157 measuring 13 acres 09 gunthas, therefore, their share has to be decided in the suit. They also submitted that, they are ready to pay Court fee with regard to their share in said property. On perusal of the memo, it is clear that, the plaintiffs and defendant no.1 to 6 have settled the dispute between

them and they are not interested to continue the suit. But, the defendant no.7 to 12 are contending that, they are having share and their share has to be declared in this suit. Under these circumstances, it is proper to transpose the defendant no.7 to 12 as plaintiffs. This Court cannot compel the plaintiffs to continue the suit when they are not interested to continue the suit. Therefore, the defendant no.7 to 12 have to be transposed as plaintiffs in this suit.

Therefore, the memo filed by the plaintiffs is disposed and the defendant no.7 to 12 are directed to file proper application to transpose them as plaintiffs in this suit.

Call on 26.09.2025.

**Civil Judge & JMFC.,  
Haliyal**