

Karnataka High Court

Smt Jayamma vs Sri B K Narayanaswamy on 7 November, 2008

Author: S.N.Satyanarayana

in was area ccanr or xnnuamaxa as aaNa\$1¢ngDD?J" _

-1-

DATED THIS THE 07?" DAY OF NOVEMBER 209\$ *

BEFORE

was nontnns ua.JUsmxca_s.fi;s\$:xanAgax3n1 Df"~

CIVIL 9ETIT:oN"\$D.51/20D?=-X

BETWEEN

1

(BY

SMT JAYAMMA ;' =~': _Q-
w/0. LATE RAMACHANDRA'. , '*'
UPPERPET«ua*- ; '2 . '*"
KOPPA -i57:=126=« _
cH:KMDGA;uR~D;s\$, , x

PETITIONER

1300

sf: 9\$A3aAgfiD L SfiET\$YL \$DV)

. \$SRx.B K"NARAYA\$AswAM¥

~_'sAe,Va KRISHNAMURTHY
,? MAJOR,}LAND HOLDER
"'RfQ{&BALEHITHLU,

.KANUR v1LLAGE

D"'BALEaDNRuaU hosLI.
H.N R PURA TALUK

SHIKMAGALURE DIST.

2 STATE OF KARNATAKA,
_fDEPT.OF REVENUE,

BY ITS SECRETARY,
VIDHANA SOUDHA,

BANGALORE.

... RESPONDENTS

Sri H V RAMACHANDRA RAD, ADV FOR R1 SRI.B.B.GOUDAR, HCGP FOR R2) *3.

THIS CIVIL PETITION IS FILED U/O.44 Edn»; or cpc, PRAYING TO rERMIr THE PET:TIoNaaa?ofF:L£3 Rm No.584/2007 AS AN INDIGENT PERSON AGAINST THE JUDGEMENT AND DEGREE nA1*E:1:a*1_6--:2--'2no:«3.i PASSED IN O.S.NO.222/2001, oregrnr r1"i.1~:~----o;=i ".COURf_I' or THE CEVIL JUnc:.E(sR.nIvN.)I-Air"cn:i:AMAGALL::R,--V«VIN; THE INTEREST OF JUSTICE AND EQUI\$Y,f THIS PETITION coxvxrm ONVXFCR DAY, THE'. COURT MADE'. THE Eo::;ir;;QwING;.__ 2 omm ' "

This Civil Petition } i□fi□led seeking permission to» file "anf appeaio ohallenging the judgmentiwiv 'V dé\$;~,£e\$'i».,;§assé'¢;'i" in os .No. 222/2001 on the fiie V.of□ then ;Civil Judge (Sr.Dn), Chikamagalur; Ami i%¢\$%i%V'fM&f&n" __vx r A.% . Q .

i 2: In this proceedinge a direction was given A'toq the fiearned Government Pieader to secure a re@ort;>of:}the Tahsildar regarding" means of the V*petitioner herein. Further a direction was also "igiyen to the Registrar (Judicial) to hold an "uni enquiry in the context of the report and on the u"vversion of the parties with regard to means of the petitioner to pay the court fee. Pursuant to W';

the directions issued by this Court the Tahsildar has filed a report to the effect that" the petitioner herein has no means to "pay" the requisite court fee to pursue the ap\$eal»Qfile\$'u challenging the judgment and7'decree_lpassedggih OS.No.222/2001. In the mean?}chi::;l._'e}'iV the Registrar (Judicia;y,x iSl'_alsoV'received,'wl wherein a finding is given to the effect that the petitioner has no iaeansi to} P□yi the court fee. Hence, there is su□fieientjgroune to allow this civil petition and hermit the petitioner herein to sue as an indigent person.

3;' in. the meanwhile, the parties also 1=euh□tted'gthat one of the reason for the petitiener not being able to pay the court fee is that" one and only property standing in hex: "egeae; is attached in the original suit and as such, she is not in a position to raise the requisite funds on the surety of the said property. However, in the course of arguments in h¢""7 the civil petition a suggestion was made by the Court to the parties to explore the poséioiityx of settlement. Accordingly, the parties who wét\$ f"* , present before the Court and"thei; Cognsel nao sg discussion, wherein an understanding wss_ariiveds at between the parties snd in terms of the said" understanding a Memorandum of Compromise petition is filed. ~ - e g». ~__»--s

4. In View of the aforesaid odevelopments in this p.'et1t_ic;+;:e,tV _tirx2iVs~.§::'i«s{iJt_ petition is allowed. Std/-' Judge 'ti':jNo!*,