Karnataka High Court

Smt Uthamma W/O Late ... vs R C Papireddy S/O Chinnappareddy on 17 September, 2008 Author: B.S.Patil

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III THE HIGH 0003'!' OF KARNATAKA AT BANGALORE
DATED THIS THE 1773 DAY OF SEMEMEER 2008
BEFORE
mm rxou'm.m B!R.JU8'l'ICE 3.3. ?ATIIa
wnrr Pmrrlox xo.s899 or Q (ma-GPGIM' A "' u
;a_;.nT;;w1I§g.;
1. Sxni. Ufnamma,
W/o late Venkataxamanna,
Aged about 58 years.
2. M.V.Sudakar Roddy,
S] 0 Uthamma,
Aged about 37 years.
Both the pefilif?. Ii:e: "'é?;,8Ii5
Residingaffiawxin. AV g
Quartcxfis, ShiVajillE!gfi'}
Bangalore, V V ...PE'l"I'TIOHER
(By Sri M.I*faxaV3xranared . V 'dy, A§1vw'}--*pL'
1; 2 C;Papixle&dy, V .
AS] "Raddy,
Agedaboui years,
" village,
--V Rayall'.md' Hobli,
 ' ~ LL ';~:'31fin,'wa,.ép3 3.i" Taluk.
 Raddy,
. Siam dead by LRs.
K 2 Rgispondents 2 to 5 hcrcin.
' 7 » M.R.Bhagramma,
W/o lair: C.V.Narayana Raddy,
Aged about 35 years,
-2-
No.1, 721, Tankbund Road,
Chintamani Tcswn.
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. N.Vellkatashiva Raddy,
Since dead by his LRs.
3(a) Bharathamma,
W] 0 late Venkatashiva Raddy,
Aged about 47 years.
3(b) Arun Kumar,
S / 0 late Venkatashiva Raddy,
Aged about 24 years.
3(c) Ravikumar,
S/o late Vcnkatashiva Rcddy_{,-} : V.
Aged about 21 Years. 'A '
Respondents 3(a) to 3(c) Jrlégt '
No.65, Mangala Main Road; -
Suiehalli Cms§,*_a '4
Ramakrishna . . "
Near
         ٧
Nagarabhavi, Bafigglom. ' '
    Н
S/o late C.V.Narayana Ru:dtI3fl
Aged about 40 years',' ' '
~ 'No. 1 1 8*hvV%Main"'"C:'.,. ' »
" ' 5"' l3Idck,""Rajaji;1agar,
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S] o 1&3: C.V.Na1*ayana Roddy, Aged abo11't.34 years, .1' 1 150,' wk "C" Main, " S91"Biao4;:k, Rajajinagar,

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-- 560 020.
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i{ol£ithur Narayanappa, '~._S'/"ti late Kolathur Muniyappa, {Aged about 71 years, C] o R.Venkata1% Raddy, Checgalabavalu village as post, Madanapa□ Manda}, Chittozr District, Andlna Pradesh. ...RE8PO!lD£KTS This Writ Petition is □ed under Artie}:-':5 226 65 22?7';\$'f--.§i:=: Constitution of India praying to quash the order [by time Civil Judge (Jr.Dn.) as JMFC at Srinivasapur on 1';->.. 1"1.V2() (}*,.7';Ac>j_ii'T 11\.NO.IV in O.S.No.65] 1988 Vida: Annex1;;fc--A. This Petition coming on for the Ccsurt made the following-

ogx:i'a,3.___

01. In this writ petit?n?o!j,,,-- ghe by the order dated 19.11200'? (Jr.Dn.), Srinivaspura, I.A:;l*¥t};4::'§i.lE;ti..§yV';tiiev§\$tif£ioners herein in O.S.No.65[19f3€;Dv §g§:'t□t petitioners under Order I 151 are seeking to implead ihamseivé□:<icfé'I2s}i:é1:1ts¥3 and 4 in the suit.

02. 121: 11«t§et; then-:rAcao;:ténded befom the Court belnw that '§he £I11i--.'daughter'Vbf''63'1é late Kolathur Muniyappa and the 2"' that he is the son of the 1" petitioner and that bfith of were entitled to come on record to contest the "»~«._ pmyer in than application under Section 28(1) of the V' Relief Act, 1963. The said application was the holder late C.V.Naraya_na Roddy who has obtained 5: V, jjdacrec for specitore performance of the ayeement for sale as per the decree dated 29.38.1991. As per the said decxee respondent J8 _ 4 ..

no.1 R.C.Papi Reddy and respondent no.6 Kolthur Narayanappa were directed to execute the sale deed based on the aggeefrzent for sale entered into by them in favour of late $_$ Raddy in respect of the suit scheduk: pmperty. $_$. \sim V

o3. The judgment and decree dated"1«29L§8.'TV19§?'§ □hality, as the appeal □ed in R§A,:Nof79] "1991 judment by respondent ne.1 - Recidy Way back on o8.10.1993. ptnoceedings in ':3'..P.No. 105/1998 game teem; deczee holder. Upon the deatlycif €b._(é.1dee£,jj&zeef>§jiidents-2 to 5 herein came on as the legal represent:-@vee.A 1 hultler. However, the said execution holding that the nemetiy for the decree ho1t'1 er..vw'as" ineroke Section 28(1) of the Speci □c £10; to execution proceedings. As a result under Section 28(1) came to be □cd by ' the Iepzee'en{a□ves of iate C.V.Narayana Reddy, the decree

the pendency of this application, the present VT -epetitioners \Box ed the application seeking to be impleaded as $\}$ V' tedciitional defendants. They contended that the suit schedule \Box er .. 5 ..

as they are perhaps set up by respondents-1 to 6 whqhave suæmd a decree. If the petitioners have any right property in question, it is for them to establish . pmcaedings appropriately in mgaztiv' " 2 seeking to be impleaded as adcutiongg dgfeégzéiéintxs-..'ih which has aftready been decreed and__whiéI1v_'Iiias v 'I'h:;-trefone, then: is no merit in Ht⊡nce, the A H ' " % .Tudg"é' PKS