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1509
16.2.2000

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF JANUARY, 1998

BEFORE

THE HON'BLE MR.JUSTICE Y.BHASKAR RAO

CIVIL REVISION PETITION NO.2252/1997

BETWEEN:-

Bhoja Shetty,
S/o.Thaniya Shetty,
Age : Major,
R/at Gundavu House,
Machur Village &Post,
Mangalore Taluk, D.K. ... PETITIONER

(By Sri.M.Vishwajith Rai, Adv.)

A N D:-

1. Smt.Rajani Shetty.
2. Balakrishna Shetty.
3. Prakash Shetty.
4. Latha Shetty.

All children of late Damodar Shetty,
all are Majors. No.1 residing at
12/C-34, Brindavan Society, near
Sriranga Society, Thane-400601,
No.2 and 3 are residing at Kamala
Nivas, Anand Chowk, Koregaon Post
and Taluk, Satara District, Maharashtra,
No.4 is W/o.Sridhara Shetty, residing
at Guruprasad, Chellur Road, Karkal
Post, D.K. ... RESPONDENTS

(By Sri.O.Shivaram Bhat, Adv.)

* * * * *

-: 2 :-

Civil Revision Petition is filed U/s.115 of CPC against the order dated 25-3-1997 passed in O.S. No.354/1995 on the file of the IV Addl. Civil Judge, (Junior Division), & JMFC, Mangalore.

This Civil Revision Petition coming on for admission this day, the Court made the following:

ORDER

The defendant filed this revision assailing the order of court below rejecting the plea to amend the written statement. The suit is filed for the possession by the respondent/plaintiff. Now the amendment sought for by the defendant is to file Form VII under Karnataka Land Reforms Act, therefore he is an agricultural - tenant. So court has no jurisdiction.

Court below after appreciating material found that in the Form VII disputed land Number not mentioned and therefore it rejected the amendment on the ground if amendment is allowed it will oust the jurisdiction.

I do not see any ground to interfere. Hence, revision is dismissed.

Sd/-
JUDGE.

vns.

R. By :

C. By :

Assistant Registrar
High Court of Karnataka
Bangalore

27/2/98