

2604

25/11/99

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE M.B. VISHWANATH

CIVIL REVISION PETITION NO. 1125/1998

1. Chandrasekha s/o Channappa
Lakamanahalli, aged about 47 years,
Occ: Service R/o Mrityunjanagar,
Dharwad.
2. Shivayogi s/o Chanappa Lakamanahalli,
aged about 41 years, Occ: Service, R/o.
Mrityunjanagar, Dharwad.
3. Shidling S/o Channappa Lakamanahalli
aged about 37 years, Occ: Business, R/o
Mrityunjanagar, Dharwad.
4. Prakash s/o Channappa Lakamanahalli
aged about 31 years, Occ: Agriculture,
R/o Mrityunjanagar, Dharwad.
5. Nirmala D/o Channappa Lakamanahalli,
aged about 30 years, Occ: Household, resident
o Mrityunjanagar, Dharwad.

6. Smt.Limbawwa w/o Chanappa Lakamanahalli
aged about 69 years, Occ:Household,
R/o Mrityunjanagar, Dharwad.

...PETITIONERS

(By Sri.R.V.Jayaprakash, Adv. for petrs.)

- vs -

1. The Mahalaxmi Urban Co-Operative Bank Ltd.,
Dharwad.
 2. Bangareppa Veerappa Tuppad,
aged about 64 years, Occ:Business, Resident
of Rajendranagar, Haveri,
Dharwad District.
 3. The Registrar of Co-operative Societies,
Bangalore.
 4. Mallikarjunappa s/o Channappa Lakamanahalli,
aged about 59 years, Occ:Nil, Basavannadavar Temple
Jangli Peth, Old Hubli, Hubli, since
deceased by his L.Rs.
- 4(a). Smt.Nagaratna w/o Mallikarjunappa
Lakamanahalli, aged 45 years,
Occ:Household work, Resident of
Navanagar, Hubli.

- 4(b). Sri.Basavaraj S/o Mallikarjunappa
Lakamanahalli, aged about 25 years,
Occ:Service, resident of Navanagar,
Hubli.
- 4(c) Sri.Mahantesh s/o Mallikarjunappa
Lakamanahalli, aged 22 years, Occ:Service
resident of Navanagar, Hubli.
- 4(d) Smt.Indumati w/o Channappa Muttagi
aged 24 years, Occ:Household work
resident of Nakar Nagar, Old Hubli,
Hubli.

5. Smt.Annapurna w/o Bangareppa Tuppad
C/o Bangareppa Tuppad, Rajendranagar,
Haveri, Dharwad District.

6. Smt.Girija w/o Basavaraj Panishetty
aged about 54 years, Occ:Household R/o
V.V.Mohalla, 10th Cross, 6th Main,
Mahantesh Krupa, H.No.2832,
Mysore-570 001.

...RESPONDENTS

(By Sri.A.R.Desai, for C/R.)

* * * * *

Civil Revision Petition is filed U/s 115 of CPC against the order dated 24.2.1998 passed in O.S.No.806/1989 on the file of the Ist Addl. Civil Judge (Jr.Dn.) Dharwad.

This Civil Revision Petition coming on for ADMISSION this day, the court made the following:-

O R D E R

Heard both Counsel. The petitioners-plaintiffs have challenged the order dated 24.2.1998 passed by the learned I Addl. Civil Judge (Jr.Divn), Dharwad allowing I.A.No.27 filed u/o 16 R.17 C.P.C. by the second defendant in O.S.No.806/1989.

The learned judge has stated that "after going through the contentions of the plaintiffs and various citations relied upon by both sides, I am convinced with the proposed amendment is just and necessary. It will not change the nature of the suit". It is obvious that the learned judge has not given reasons. The order in question is not a speaking order. The learned judge was bound to give reasons.

- 5 -

Accordingly the impugned order is set aside
with a direction to the learned judge to pass a
considered ^{order} on I.A.No.27.

All contentions left open.

Revision Petition allowed accordingly.

Sd/-

JUDGE

T.BY:BY

C.BY: *u*

R.BY: *VS*

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

8/7/58

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