

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2018

BEFORE

THE HON'BLE MR.JUSTICE G.NARENDAR

WRIT PETITION No.48382/2017 (GM CPC)

BETWEEN

SRI. SIDDAGANGAMMA
W/O LATE VENKATAPPA,
AGED ABOUT 64 YEARS,
R/AT P.GOLLAHALLI VILLAGE,
BELLAVI HOBLI, TUMKUR TALUK,
TUMKUR DISTRICT-577101. ... PETITIONER

(BY SRI. M B RYAKHA, ADV.)

AND

1. SRI. SIDDALINGAIAH,
S/O NARASAPPA @ NARASIAH,
AGED ABOUT 63 YEARS,
R/AT P GOLLAHALLI VILLAGE,
BELLAVI HOBLI, TUMKUR TALUK,
TUMKUR DISTRICT-577101.
2. SMT HONNAMMA,
W/O LATE SIDDAGANGAIAH,
D/O NANJIAH @ NANJAPPA @
NANJEGOWDA,
AGED ABOUT 57 YEARS,
3. MANJULA
D/O LATE SIDDAGANGAIAH,
AGED ABOUT 30 YEARS,
4. PUSHPA
D/O LATE SIDDAGANGAIAH,
AGED ABOUT 28 YEARS,

5. SRI. PARAMESHA
S/O LATE SIDDAGANGAIAH,
AGED ABOUT 26 YEARS,
6. SRI KUMARAIAH
S/O NANJAIAH @ NANJAPPA @
NANJEGOWDA
AGED ABOUT 55 YEARS,
7. NALINA
D/O KUMARAIAH
AGED ABOUT 26 YEARS,
8. SRI PRABHU
S/O KUMARAIAH
AGED ABOUT 23 YEARS,

RESPONDENT NO.2 TO 8 ARE
R/AT NEGALALA VILLAGE,
C.N.DURGA HOBLI,
KORATAGERE TALUK,
TUMKUR DISTRICT-577101.

9. SMT PARVATHAMMA,
W/O LATE DODDANANJAIAH,
D/O NANJAIAH @ NANJAPPA @ NANJEGOWDA,
AGED ABOUT 63 YEARS,
R/AT KANCHENAHALLI,
KORA HOBLI, TUMKUR TALUK,
TUMKUR DISTRICT-577101.
10. SMT NEELAMMA
W/O LATE RAJANNA,
D/O NANJAIAH @ NANJAPPA @ NANJEGOWDA,
AGED ABOUT 61 YEARS,
R/AT SEENAPPANAHALLI,
HEBBUR HOBLI, TUMKUR TALUK,
TUMKUR DISTRICT-577101. ... RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO DIRECT THE
LEARNED PRL. CIVIL JUDGE JR. DIVISION AND JMFC AT
TUMKUR THAT TO DISPOSE IMPEADING APPLICATION

FILED UNDER ORDER I RULE 10 OF CPC AT ANEX-C BY THE PETITIONER AS EARLIEST IN THE CASE BEARING O.S.1146/2015.

THIS WP COMING ON FOR 'PRELIMINARY HEARING' THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner is before this court being aggrieved by the non consideration of the application preferred by her under Order 1 rule 10 of Code of Civil Procedure seeking to come on record as defendant No.10 in O.S. No.1146/2015.

3. It is submitted by the learned counsel for the petitioner that the application was preferred way back on 27.02.2016, but the said application remains on record and court below has not endeavoured to consider and dispose of the same. The learned counsel for the petitioner fairly submits that the petition is not in the nature of an allegation against the Presiding Officer and is moved only on account of the fact that the petitioner is a lady and a

senior citizen and that in view of the above facts, this court dispenses notice to the respondents.

4. The learned counsel for the petitioner has placed on record the order sheet. On a perusal of the order sheet maintained till 21.09.2017 and the further record of proceedings till 01.12.2017 is also placed before the court and on perusal of the same, it is apparent that the said application which is registered as I.A. No.10 has not been considered and disposed off.

Hence, writ petition is disposed of with a direction to the trial court to consider and dispose of I.A. preferred by the petitioner under the provisions of Order 1 Rule 10 of Code of Civil Procedure within a period of four weeks from the date of receipt of the certified copy of this order.

Writ petition stands ***disposed of*** accordingly.

Sd/-
JUDGE

Chs*
CT-HR