

CASE NO.:
Appeal (civil) 4068 of 2002

PETITIONER:
G. BORAIHAH

RESPONDENT:
NARAYANAPPA AND ANR

DATE OF JUDGMENT: 26/03/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO. 4068 OF 2002

Heard the parties.

This appeal preferred by the defendant is directed against the judgment and order dated 11/1/2001 passed by the High Court in RSA No.319/1990.

This Court, by an order dated 31/8/1998, allowed the impleadment application impleading Commissioner, Town Municipal Council, Chitradurga as respondent No.2. By another order dated 15/10/1999, this Court set aside the order of the High Court and the appeal was remanded to the High Court for fresh disposal in accordance with law. Despite this Court's order impleading the Commissioner, Town Municipal Council, Chitradurga as respondent No.2, the plaintiff failed to implead the Commissioner, Town Municipal Council, Chitradurga as party respondent.

On this short ground, the impugned order of the High Court is set aside. The matter is remanded to the High Court.
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Commissioner, Town Municipal Council, Chitradurga is a necessary party. The plaintiff shall implead the Commissioner, Town Municipal Council, Chitradurga as party respondent. The High Court shall dispose of the appeal in accordance with law after hearing all the parties.

Appeal is allowed in the above terms.