

Latha vs State of Karnataka

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Court : Karnataka Orders

Decided On : Mar-27-2024

Judge : S Sunil Dutt Yadav

Appeal No. : CP/303/2019

Appellant : LATHA

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2024 BEFORE THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV CIVIL PETITION NO. 303 OF 2019 BETWEEN: LATHA, W/O VENKATE GOWDARA RAJEGOWDA, AGED ABOUT 35 YEARS, ECHALAHALLY VILLAGE, KANDALI POST, KASABA HOBLI, HASSAN TALUK & DISTRICT. PETITIONER (BY SRI. NARENDRA GOWDA, ADVOCATE) AND: STATE OF KARNATAKA, BY SPECIAL LAND ACQUISITION OFFICER, HEMAVATHI RESERVIOR PLANNING -2 (HRP-II), HASSAN.

Digitally signed RESPONDENT by V KRISHNA (BY SRI. SIDHARTH BABU RAO, AGA) Location: High Court of THIS CIVIL PETITION IS FILED UNDER ORDER 44 RULE 1 Karnataka OF CPC, PRAYING TO PERMIT THE PETITIONER TO PROSECUTE MFA NO. 3083/2015 AS AN INDIGENT PERSON BY ALLOWING THIS CIVIL PETITION. THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING: -2-

ORDER

The petitioner has filed the present petition seeking for permission to prosecute the Miscellaneous First Appeal No.3083/2015 as an indigent person. The facts that are made out is that the land of the petitioner was notified for acquisition for the purpose of Yagachi Reservoir Project as per notification dated 30.03.2006.

2. It is submitted that award having been passed

and dissatisfied by such award, the petitioner has sought for reference and for enhancement of the compensation. It is submitted that in the reference proceedings, petitioner has been awarded compensation at the rate of Rs.20,000/- (Rupees twenty thousand only) per gunta along with the statutory benefits.

3. It is specifically asserted that the compensation amount in the reference was awarded in the year 2014 and as the husband of the petitioner was a heart patient,

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the amount has been expended towards taking care of the health of the husband of the petitioner. An enquiry was ordered and recorded before the Registrar (Judicial) and affidavit has been filed reiterating the said contention.

4. A specific assertion has been made regarding

the heart ailment of the petitioner's husband as also that there is no other income nor they own any other immovable properties. Photographs of the house are also produced and marked. There has been no cross examination insofar as the evidence led.

5. In light of the uncontroverted contents of affidavit, taking note of the absence of income as stated, also noticing that the petitioner's husband is stated to be suffering from heart ailment which assertion is not controverted. In peculiar facts of the case, noticing that appeal has been filed seeking enhancement of compensation by a land loser, case is made out to allow -4- the petition and permit the petitioner to sue as an indigent person. Accordingly, petition is disposed off.
Sd/- JUDGE MCR

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