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Case is taken on before lok Adalath
on 11.07.2026

Both the parties file a joint memo stating that the matter is settled. Perused. This petition is filed seeking entry of birth in the Birth Register. The respondent has agreed to register the birth as sought in the petition. Hence the memo is taken on record and following award is passed:

AWARD

The petition is allowed in view of the terms of the joint memo.

In view of the decision in ILR 2000 KAR 4770 State of Karnataka V Smt Annakka, it is made clear that the entry made in pursuant of the above award is not conclusive evidence of date of birth, if disputed, but it relates to the factum of birth only.

Advocate Conciliator

Judicial Conciliator

Case is taken on before lok Adalath
on 14.03.2026

Both the parties file a joint memo stating that the matter is settled. Perused. This petition is filed seeking entry of birth in the Birth Register. The respondent has agreed to register the birth as sought in the petition. Hence the memo is taken on record and following award is passed:

AWARD

The petition is allowed in view of the terms of the joint memo.

In view of the decision in ILR 2000 KAR 4770 State of Karnataka V Smt Annakka, it is made clear that the entry made in pursuance of the above award is not conclusive evidence of date of birth, if disputed, but it relates to the factum of birth only.

Advocate Conciliator

Judicial Conciliator

Case is taken on before lok Adalath
on 13.09.2025

Both the parties file a joint memo stating that the matter is settled. Perused. This petition is filed seeking entry of birth in the Birth Register. The respondent has agreed to register the birth as sought in the petition. Hence the memo is taken on record and following award is passed:

AWARD

The petition is allowed in view of the terms of the joint memo.

In view of the decision in ILR 2000 KAR 4770 State of Karnataka V Smt Annakka, it is made clear that the entry made in pursuant of the above award is not conclusive evidence of date of birth, if disputed, but it relates to the factum of birth only.

Advocate Conciliator

Judicial Conciliator

Case is taken on board.

Both the parties file a joint memo stating that the matter is settled. Perused. This petition is filed seeking entry of birth in the Birth Register. The respondent has agreed to register the birth as sought in the petition. Hence the memo is taken on record and following award is passed:

ORDERS

The petition is allowed in view of the terms of the joint memo.

In view of the decision in ILR 2000 KAR 4770 State of Karnataka V Smt Annakka, it is made clear that the entry made in pursuant of the above award is not conclusive evidence of date of birth, if disputed, but it relates to the factum of birth only.

28.07.2025

**Civi Judge and JMFC,
Sirugupp**

Issue Notice to Respondent.
R/by 13.09.2025

19.08.2025

**Civil Judge and JMFC,
Siruguppa**

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Case is taken on before lok Adalath
on 12.07.2025

Both the parties file a joint memo stating that the matter is settled. Perused. This petition is filed seeking entry of birth in the Birth Register. The respondent has agreed to register the birth as sought in the petition. Hence the memo is taken on record and following award is passed:

AWARD

The petition is allowed in view of the terms of the joint memo.

In view of the decision in ILR 2000 KAR 4770 State of Karnataka V Smt Annakka, it is made clear that the entry made in pursuant of the above award is not conclusive evidence of date of birth, if disputed, but it relates to the factum of birth only.

Advocate Conciliator

Judicial Conciliator

Case is taken on before lok Adalath
on 12.07.2025

Both the parties file a joint memo stating that the matter is settled. Perused. This petition is filed seeking entry of birth in the Birth Register. The respondent has agreed to register the birth as sought in the petition. Hence the memo is taken on record and following award is passed:

AWARD

The petition is allowed in view of the terms of the joint memo.

In view of the decision in ILR 2000 KAR 4770 State of Karnataka V Smt Annakka, it is made clear that the entry made in pursuant of the above award is not conclusive evidence of date of birth, if disputed, but it relates to the factum of birth only.

Advocate Conciliator

Judicial Conciliator

C.C.435/2023.

Shri. MBK, advocate has filed application U/Section 451 / 457 of Cr.P.C.

Perused the order sheet. It is noticed that, earlier a similar application was filed for the release of same vehicle. This court vide orders dated 02-02-2024, has rejected the said application. Moreover, the alleged offences are triable by Hon'ble Court of Sessions and the case is for commitment. Hence, application is rejected.

Accused No.2 is produced from J.C. through V.C. The alleged offences are non bailable, hence J.C. of accused is extended till 27-03-2024.

Orders on committal by 27-03-2024.

Pr1 Civil Judge and JMFC
Chikodi.

O.S.NO.14/2017.

ORDERS ON I.A.NO.V:

The plaintiff has filed I.A.No.V U/Order 22 Rule 4 of CPC, seeking to bring the LRS of deceased defendant No.1. Notice is duly served on defendants No.1A to 1E. They are absent. No objections are filed to I.A.No.5.

The suit is one for permanent injunction, restraining the defendants from obstructing the plaintiff's possession and enjoyment of the suit property and from alienating the suit property. On perusal of the written statement filed by the defendant No.1, it is seen that, there is a specific contention that the suit properties are the ancestral joint family properties of defendants No.1 to 3. Thus, even though the suit herein is for bare injunction, as it is in respect of an immovable property, the suit does not necessarily abate on the death of parties, as observed by the Hon'ble High Court of Kanataka in Chennaiah @ Doddachennaiah V Bylappa RSA No 743/2011. Right to sue survives.

Hence, I.A.No.V is allowed.

Plaintiff is permitted to bring th Lrs of deceased Defendant No 1 on record.

Amendment and amended plaint by 30.03.2024.

(ASHOK R.H)
Prl Civil Judge and JMFC
Chikodi

CC 2085/18

The accused No 1 to 3 are present. Perused the report of the probation officer. It is reported that the accused No 1 to 3 are having good conduct. It is reported that the accused are financially poor and that the neighbourers have a good opinion on them. They are aged 31, 42 and 28 respectively. They have a fixed place of abode at Kadatti village and Vijayanagar . Thus having regard to the overall circumstances of the case wherein the accused have committed the offence in the back drop of a civil dispute, the age of the accused, their dependents and the character of the offenders, this court holds that it is expedient to release them on probation of good conduct instead of sentencing them at once to the punishment imposed.

The accused No 1 to 3 are released on probation of good conduct.

It is directed that the accused No 1 to 3 be released on them entering into a bond, with one surety each, to appear and receive sentence when called upon, for a period of two years and in the meantime the accused persons shall keep the peace and be of good behaviour.

Office to take bonds and issue intimation to the Probation officer.

The above order and conditions are explained to the accused persons and they have understood the same.

(ASHOK R.H)
Pr1 Civil Judge and JMFC
Chikodi

Case is taken on before lok adalath

RTO Tax composition of offence

The RTO Chikodi has given a letter stating that the accused/respondent has paid the tax and penalty amount and thus to drop the proceedings. The case is thus compounded and closed. Accused is acquitted.

(ASHOK R.H)
Prl Civil Judge and JMFC
Chikodi

Criminal misc 406/2023

Both the parties have filed a memo stating that they are residing together and they have settled their disputes. Thus in view of settlement, petition is dismissed as not pressed.

Advocate Conciliator

Judicial Conciliator

Case is taken before lok Adalath

The RTO Chikodi has given a letter stating that the accused/respondent has paid the tax and penalty amount and thus to drop the proceedings. The case is thus compounded and closed. Accused is acquitted.

Advocate Conciliator

Judicial Conciliator

Case is taken on before lok Adalath on 14.09.2024

Both the parties file a joint memo stating that the matter is settled. Perused. This petition is filed seeking entry of birth in the Birth Register. The respondent has agreed to register the birth as sought in the petition. Hence the memo is taken on record and following award is passed:

AWARD

The petition is allowed in view of the terms of the joint memo.

In view of the decision in ILR 2000 KAR 4770 State of Karnataka V Smt Annakka, it is made clear that the entry made in pursuant of the above award is not conclusive evidence of date of birth, if disputed, but it relates to the factum of birth only.

Advocate Conciliator

Judicial Conciliator

OS 150-2024

The plaintiff, defendants No.1 to 14 are present. Shri PBB Adv files vakalath for def 1 to 14.

Appls u/o 32 R 7 R/w S 151 CPC ie IA NO 3 and 4 are filed seeking appointment of Def 3 and 10 as minor guardians to defendant No 7 to 9 and 13. defendant No.3 and 10 are present and submit that they have no adverse interest against the minors and agree to act as guardians. There is no objections to the applications. Hence I A No. 1 to 4 are allowed. Ld C/appearing for minors file certificate as per O 32 R 7 1-A CPC. Parties file a joint compromise petition. They have produced copy of Adhar Cards and photographs. The terms of the compromise petition are read over and explained to the parties. They have understood and state that

they have entered into compromise voluntarily.

The plaintiff has filed this suit seeking the relief of partition and separate possession in respect of suit schedule property. It is stated in the plaint that the suit properties are ancestral properties of the plaintiff and the defendants. On enquiry the parties have submitted that the suit property is ancestral in nature. As per the compromise, the suit properties are divided in between the plaintiff and the defendant no. 1 to 13. The plaintiff has relinquished her rights over the suit schedule properties. The suit properties are divided as per the terms in compromise petition.

On perusal of the documents produced along with the plaint, it is seen that the RTC extract pertaining to the suit schedule property reflects the name of the defendant No.1 and others. The parties submit that the genealogy shown in the plaint is true and correct and that the compromise being entered is bonafide. They also submit that no other persons have any manner rights over the suit properties.

Considering the facts and circumstances of the case, the compromise petition appears to be lawful. Hence, the same is acceptable. As such, the following:

ORDER

The compromise petition filed by the plaintiff and defendants is hereby accepted.

The suit is decreed in terms of compromise petition. The compromise petition shall be binding only on the parties thereto.

Office to draw final decree as per the terms of compromise petition.

Prl Civil Judge and JMFC, Chikodi

OS 91/2024

Heard ld c/plaintiff on IA NO.2 filed order 6 Rule 17 of CPC. Plaintiff has sought to amend the plaint with regard to the name of the defendant. It is stated that the name of the defendant is mentioned as Umesh instead of Mahesh due to oversight. Satisfied with the grounds. The amendment appear to be necessary. Thus IA No II is allowed.

Plaintiff to carry out amendment and file amended plaint by 18.03.2024. I.O is extended till next date.

Prl.Civil Judge & JMFC,
Chikodi.

OS FR 146/24

Case is called out. No representation. Perused the file. This court, vide orders dated 05.03.2024 had held that the suit is undervalued and plaintiff was required to correct the valuation within a prescribed time. But the plaintiff has failed to do so. Thus, in view of mandate under O 7 R 11(b) CPC, plaint is hereby rejected.

Draw decree accordingly.

Prl.Civil Judge & JMFC,
Chikodi.

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Crime No.257/2023.

The CPI Chikodi has given a requisition stating that the Ankali Police have also sought for production of the accused No.1 to 3 in Ankali PS Crime No.95/2023. After the investigation, the accused persons would be sent back to Humnabad Sub Jail under escort of police personnel. It is thus desirable to send the accused in the vehicle with escort and bring him back in the same vehicle. Thus, change of date of production of the accused is sought.

Perused the file. The Chikodi Police had sought for issuance of production warrant against the accused persons, who are in custody in Hallikade PS Crime No.11/2024. The same was allowed. Now that, it is brought to the notice that the same accused are being brought before the Hon'ble II Additional JMFC, Chikodi on 04-03-2024 in Ankali P.S. Crime No.95/2023. Thus, in order to avoid delay and optimum utilization of resources, it is fit to order for production of accused persons on 07-03-2024, as sought for. Requisition is allowed.

Production of accused on 07-03-2024.

Prl. Civil Judge & JMFC,
Chikodi.

The plaintiff, defendants No.1 & 2 are present. They file a joint compromise petition. They have produced copy of Adhar Cards and photographs. The terms of the compromise petition are read over and explained to the parties. They have understood and state that they have entered into compromise voluntarily.

Learned counsel for the defendants seeks time to produce several documents in support of the compromise petition.

Call on 04-03-2024.

Prl. Civil Judge & JMFC,
Chikodi

No.2030/2019.

Orders on application filed
U/Section 91 R/w 311 of Cr.P.C.

The complainant has filed this application seeking to issue summons to three witnesses stating that they are important witnesses to the transaction made by the accused and they can answer material question.

No objections are filed by the accused.

Perused the file. The complainant has filed this complaint alleging that the accused had misappropriated the amount at Dr. Prabhakar Kore Credit Souhard Sahakari Niyamit, Ankali, for his personal use and discontinued his service without intimating the society. It was found that, the accused has misappropriated an amount of Rs.5,64,800/- & Rs.12,40,000/-. The complainant had issued notice to the accused and the accused visited the complainant and issued the alleged cheque which is dishonoured.

On perusal of order sheet, it is seen that, the complainant has led his evidence. The accused has submitted that he has no evidence. The case is at the stage of arguments. At this stage, application is filed.

Section 311 of Cr.P.C., empowers the court to summons any person as a witness if his evidence appears to be essential to the just decision of the case. Now that, under the facts of the case, there is allegation that the accused has misappropriated the amount at the complainant society and that towards repayment of the same, he has issued the alleged cheque. In the application, it is stated that the witnesses sought to be summoned, are material and that they can depose regarding the alleged transaction. Allowing of the application would not cause prejudice to the accused as the accused will be having opportunity to cross examine them. The credibility of the witnesses has to be examined at a later stage. It is settled law that parties must be given fullest opportunity to produce their best evidence. Thus, there are grounds to allow the application. There were three adjournments at the stage of further complainant's evidence. Thus, the delay caused by the complainant could be compensated by imposing costs. Hence, the following:

ORDER:

The application filed U/Section 91 R/w 311 of Cr.P.C, by the complainant is hereby allowed on costs of Rs.300/- payable to accused.

Issue summons to the witnesses as per the application, if PF is paid.

Returnable by 25-03-2024.

(Ashok R.H)
Prl. Civil Judge & JMFC, Chikodi

**IN THE COURT OF THE PRL CIVIL JUDGE AND JMFC,
CHIKODI**

Private complaint
2024

/

Complainant is present before the court and files a private complainant U/s 200 of Cr.P.C.

Perused the complaint. The complainant has alleged the commission of offences punishable Under Section 420 504,506 R/w 34 of IPC as against the accused No. 1 to 4. The complainant has filed application U/Sec 156 (3) of Cr.P.C., and has sworn to affidavit stating the complaint allegation. He has also stated that he has approached the jurisdictional police, but they did not register the case and further that he has also approached the SP Belagavi but no criminal action is initiated against the accused. It appears that for the purpose of deciding whether or not there are sufficient grounds to proceed further, it is fit to direct investigation to be made by the PSI Chikodi PS. Therefore, acting U/s

156(3) of Cr.P.C. PSI, Chikodi, PS is directed to investigate the matter.

Office to register the case in P.C.R .

Await final report by 06-04-2024.

(Ashok R.H)
Prl. Civil Judge & JMFC, Chikodi

OS.76-2024

ORDERS ON IA NO.I

Heard the learned advocate for plaintiffs and perused the plaint averments, affidavit filed in support of IA No.1 and suit documents.

The plaintiffs have filed this suit seeking the relief of permanent injunction in respect of suit properties bearing VPC NO 1973/1 and 1973/2 of Manjari Village. It is pleaded that the father of plaintiff No1 and plaintiff No 2 altogether have purchased 3 guntas 8 anna of land in RS No 218/2 of Manjari village in which the plaintiffs have constructed house, Masjid and commercial complex. The suit properties comprise house and commercial complex. The defendant and his mother have sold their entire land in RS 218/2 to different purchasers. The plaintiffs are in possession of the suit properties. It is alleged that the defendant, without having any manner of right, is trying to interfere with the plaintiffs' possession over the suit properties.

Suit summons has been served on the defendant. But the defendant has not appeared before the court.

Considering the urgency pleaded by the plaintiffs, looking into the materials, the plaintiffs have produced the copy of VPC extracts pertaining to suit properties, tax paid receipts, photographs, sale deeds, copy of judgments in OS 232/2016 and RA 21/2020, the earlier proceedings wherein the defendant was unsuccessful. Considering these aspects and also the apprehension of the plaintiffs, this court is of the opinion at this stage, an order of Temporary injunction for a limited period has to be granted in favour of the plaintiffs in order to avoid multiplicity of proceedings and also to maintain a status-quo in respect of the rights of the parties.

On perusal of the documents produced at this stage, this Court is of the opinion that the plaintiffs have made out a prima-facie case for grant of order of ad-interim ex-parte temporary injunction restraining the defendant from interfering with plaintiffs' possession over the suit schedule properties for a limited period. As the suit will proceed ex-parte, interim order shall operate for 6 months from today to ensure there is no undue delay caused by the plaintiffs in prosecuting the case. In the facts and circumstances of the case, this court is satisfied with the object of granting ex-parte injunction. Hence this court proceeds to pass the following;

ORDER

Issue Ad-Interim ex-parte Injunction order against the defendant restraining him from interfering with

plaintiffs' possession over the suit schedule properties,
for a period of six months.

Plaintiffs' evidence by 02.03.2024

Pr1 C.J & JMFC, Chikodi.

**IN THE COURT OF THE PRL CIVIL JUDGE AND JMFC,
CHIKODI**

Private complaint
2024

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Complainant is present before the court and files a private complainant U/s 200 of Cr.P.C.

Perused the complaint. The complainant has alleged the commission of offences punishable Under Section 406, 409, 420 of IPC as against the accused. The complainant has filed application U/Sec 156 (3) of Cr.P.C., and has sworn to affidavit stating the complaint allegation. He has also stated that he has approached the jurisdictional police, but they did not register the case and further that he has also approached the SP Belagavi. But no criminal action is initiated against the accused. It appears that for the purpose of deciding whether or not there are sufficient grounds to proceed further, it is fit to direct investigation to be made by the CPI, Chikodi Circle. Therefore, acting U/s 156(3) of Cr.P.C. CPI, Chikodi, is directed to investigate the matter.

Office to register the case in P.C.R. .

Await final report by 06-04-2024.

(Ashok R.H)
Prl. Civil Judge & JMFC, Chikodi

Case is taken on board. The CPI Chikodi has filed requisition seeking issuance of production warrant against three accused namely 1.

Shahid Kamalkhan 2. Alim Akbarkhan 3. Iliyas Abdulrehmankhan. It is stated that the said accused are involved in the commission of the offences in this case therefore now the said accused are in JC in sub-Jail Humnabad, in Hallikade PS Crime No.11/2024.

Perused the file. The alleged offences in this case are S 457, 380,511 of IPC. It is alleged that there is commission of theft in a ATM and an attempt in another ATM , situated within the limits of Chikodi PS. Under such circumstances, it is fit to enable the police to conduct investigation, by allowing the requisition. Requisition is thus allowed.

Issue production warrant for the production of accused namely 1. Shahid Kamalkhan 2. Alim Akbarkhan 3. Iliyas Abdulrehmankhan who are in Humnabad Subjail as UTP No 2726, 2727, 2728.

Call on 23.02.2024

PRL C.J & JMFC, Chikodi.

The decree holder has filed IA No.2 under Sec 151 of CPC, seeking appointment of court commissioner the effect the name of judgment debtors in the record of rights and also to take steps for removing the entry made in column No. 11 of RTC regarding the entry and also to effect phodi of the above said land. In the affidavit, it is stated that the court commissioner was appointed and the Sub Registrar, Belagavi had given an endorsement stating that the name of judgement debtors are not entered in the records of rights as the name of the judgement debtors finds place in the record of rights and also in the Column No.11. Thus, the court commissioner was unable to execute the commission work.

No objections are filed to the application.

Perused the file. The decree holder had filed a suit, seeking the relief of specific performance of contract. The judgment debtors are to execute the sale deed in respect of the suit property. The endorsement given by the Sub Registrar, Sadalaga is with the report of the court commissioner, the same is to the effect that there are different owners in R.S.No.189 of Nagaral village. In the Column No.11, there is entry of ಸ.ಕು. ಚಂಬಾರ್ ಕೃಷ್ಣ ಅಪ್ಪಾ court stay as per order number O.S.No.93/2013, dated April 16th 2013. Thus, the registration process could be made after entering the names of the legal heirs of deceased, bifurcate the RTC or carry out phodi.

Order 21 Rule 32 CPC provides that the court may direct the acts required to be done by the judgment debtors by some other person appointed by the court. Thus the acts such as getting necessary entries and bifurcation of land is to be got done by the court commission. **Hence IA No II is allowed.**

Suggestion of name of court commissioner by
29.02.2024

PRL C.J & JMFC, Chikodi.

OS 91-2024

Heard the learned advocate for plaintiff and perused the plaint averments, affidavit filed in support of IA No.I and suit documents.

The plaintiff has filed this suit seeking the relief of Permanent injunction. The plaintiff has contended that he is the owner in possession of the suit schedule property and he is putting up construction therein as per law. It is alleged that the defendant is trying to disturb the construction work and thereby interfere with his possession over the suit property.

The plaintiff has produced copy of sale deed, TMC extract, building permission, approved plan, estimation report, tax paid receipt, photograph and other documents.

On perusal of the documents produced at this stage, this Court is of the opinion that the plaintiff has made out a prima-facie case for grant of order of ad-interim ex-parte temporary injunction restraining the defendant from disturbing the possession of plaintiff over the suit property. If the notice of IA.No.I were to be issued, the object of granting ad-interim relief will be defeated by delay in service of the notice and in such circumstances, the rights of the plaintiffs will be defeated. In the facts and circumstances of the case, this court is satisfied with the object of granting ex-parte injunction. Hence this court proceed to pass the following;

ORDER

Issue Ad-Interim order of temporary Injunction order against the defendant restraining him from

disturbing the possession of the plaintiff over the suit property, till next date.

The plaintiff is directed to comply with the mandatory provisions of order 39 Rule 3-A of CPC.

Issue notice on orders on IA.NO.1 to the defendant and suit summons , if PF is paid. R/by 28.02.2023.

PRL C.J & JMFC, Chikodi.

Accused is present and files application u/s 70(2) Cr.PC. Grounds stated therein are acceptable. Application is allowed. The warrant issued against accused is cancelled on penalty of Rs. 200/- Complainant evidence by 25.03.2024

Prl Civil Judge and JMFC Chikodi

O.S 85/2024

The plaintiff has filed application u/o 23 R 1 R/w S 151 CPC and has sought to withdraw the suit with liberty to file fresh suit. Perused the file. Heard. The suit is at an initial stage. It is stated in the affidavit to the application that the plaintiff had not given proper information and thus the suit suffers from technical defect. For these reasons the plaintiff seeks to withdraw the suit. There are formal defects that go to the root of the case. Hence it is fit to allow the application. Application is thus allowed.

The plaintiff is permitted to withdraw the suit. Office to return the documents as per law. Liberty is granted to file fresh suit on the same subject matter.

Prl Civil Judge and JMFC Chikodi

CKD PS CR NO.236/2021

The PSI Chikodi PS has given an explanation to the direction of conducting the investigation properly, stating that, during the course of investigation the involvement of owner of the vehicle was not found and thus he is not arrayed as accused. In view of the said explanation, the chargesheet is taken on record for the time being.

Pr1 Civil Judge and JMFC Chikodi

EP 26-2023

ORDERS ON IA No.1 FILED u/o 21 R 32(5) R/w O 26 R
18 CPC

Perused the file. This petition is filed seeking execution of decree passed in RA No.32/2016 by the Hon'ble Principal Senior Civil Judge Chikodi, by setting

aside the judgment and decree passed by this court in OS 144/2015. The decree is as under:

“The plaintiff’s suit is hereby decreed.

The plaintiff is hereby declared as the owner of the suit schedule property.

By way of mandatory injunction, the defendants are hereby directed to vacate and remove the house constructed by them over the portion of suit schedule property, within one month from today, failing which the plaintiff shall be entitled to recover the same through the process of the court, in accordance with law.

Draw decree accordingly”

The said decree is passed on 17.01.2023.

The JDR’s have appeared before the court. They have not filed objections to the petition or to the IA. There are no materials to show that the execution of the decree is stayed. As per order 21 Rule 32(5) CPC, where a decree for specific performance of contract or for an injunction has not been obeyed, the court may in lieu of or in addition to detention of JDR in civil prison or attachment of his property, direct that the act required to be done may be done so far as practicable by the decree holder or some other person appointed by the court.

The decree herein is of mandatory injunction which is covered under the expression “the act required to be done”, as per Explanation to O 21 R 32 CPC. It is stated on oath by the DHR herein that the JDRs have not obeyed the decree and have not vacated and removed the house constructed by them over the suit property within one month as per the decree. Further the JDRs have not at all resisted the petition and it is not at all their contention that the decree is satisfied. As such, it is the duty of the court to execute the decree. The decree herein is to be executed by appointment of a court commissioner. Hence the application filed u/o 21 R 32(5) R/w O 26 R 18 CPC ie IA No.1 is allowed.

To suggest the name of commissioner by 13.02.2024

Prl Civil Judge and JMFC Chikodi

OS 94/2020

The defendants No.3 has filed an application under order 32 Rule 12(2) R/w section 151 CPC seeking to discharge his guardian.

Heard. Perused. The application is notified to the plaintiffs. The defendant No.4 is also notified. No objections are filed to the application. The application is accompanied with the copy of the school certificate and Aadhar card of defendant No.3 which show that the date of birth of defendant No.3 is 11-10-2004. The application is filed on 06-01-2024. Thus

there are materials to show that the defendant No.3 has attained majority.

In view of O 32 R 14-A CPC (Karnataka amendment), the application filed by the defendant No 3 is allowed.

The defendant NO 3 is declared as major and his guardian is discharged. The suit shall proceed with against the defendant No.3 as a major.

Plaintiffs to carry out amendment and file amended plaint by 23.02.2024.

Prl Civil judge and JMFC Chikodi

Perused the file. The plaintiff has filed application u/o 23 R 1 CPC and has sought to withdraw the suit with liberty to file fresh suit. Heard. The suit is at an initial stage. It is seen that the valuation made by the plaintiff is not proper. Further the description of suit properties also appear as not proper. For these reasons the plaintiff seeks to withdraw the suit. There are formal defects that go to the root of the case. Hence it is fit to allow the application. Application is thus allowed. The plaintiff is permitted to withdraw the suit. Liberty is granted to file fresh suit on the same subject matter, subject to law of limitation.

Prl Civil Judge and JMFC Chikodi

Form No. 3 (Criminal)
Order sheet
Ch.VII R.1(1) 18,20(2)
CH.VII R.3.

ORDER SHEET

IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC CHIKODI.

PCR

/2024

COMPLAINANT:

The State of Karnataka through by Assistant Agriculture Director cum
Fertilizerr Inspector, Office of Joint Director of Agriculture, Belagavi

V/s

ACCUSED:

M/s Future Biotech C/o Surech Metals and 2 others

Sl. No.	Date of order or proceeding	Order or proceeding Signature of PO's	Signature of Parties or Pleaders when necessary
1	2	3	4

Clause 7,19 (a)(c), 21 Fertiliser (Inorganic, Organic, or Mixed) (Control) Order,
1985 and S 7 of Essestial Commodities Act 1955

Before Ashok R.H.
Prl Civil Judge & JMFC, Chikodi.

Date:03.02.2024.

This is a complaint filed by the Karnataka State Government Rep by Assistant Agriculture Director cum Fertilizerr Inspector, Office of Joint Director of Agriculture, Belagavi for the violation of Clause 7,19 (a)(c), offence under clause 21 of Fertiliser (Inorganic, Organic, or Mixed) (Control) Order, 1985 and S 7 of Essestial Commodities Act 1955

This court, having taken consideration that the complaint is filed by the complainant in discharge of the official capacity, has dispensed the recording of the statement of the public servant. As far as the procedure contemplated 202 of Cr.P.C, the inquiry into the case in the circumstance where the accused resides at the place beyond the area where this court exercise its jurisdiction, the same also needs to be dispenced with. The Hon'ble Apex court in M/s Cheminova India V/s State of Punjab in Crl.Appeal NO.749/2021 decided on 04.08.2021 has observed that by virtue of the provision of Section 200 of Cr.P.C the Magistrate while taking cognizance need not record statement of such public servant who has filed a complaint in

discharge of his official duty when Cr.P.C provides for exemption from examining of witnesses when the complaint is filed by the public servant. It is also observed that with regard to the procedure contemplated under section 202 of Cr.P.C., the same is to be viewed keeping in the mind that the complainant is a public servant who has filed complaint in discharge of his official duty. Thus the contention that there is non compliance of the procedure under section 202 of Cr.P.C while issuing summons was been rejected. In the instant case also as the complainant is a public servant in discharge of her official the enquiry contemplated under section 202 of Cr.P.C is hereby dispensed.

Perused the complaint and also the documents produced along with it. It is alleged there are acts of manufacture, storage, selling of substance/ fertilizer, in violation of the law. There are materials to hold that there is commission of alleged offences. Hence cognizance of offence for the violation of Clause 7,19 (a)(c), offence under clause 21 of Fertiliser (Inorganic, Organic, or Mixed) (Control) Order, 1985 and S 7 of Essential Commodities Act 1955 is taken against the accused No 1 to 3.

Office is hereby directed to register the case against the accused No 1 to 3 in PCR and then in criminal register no.III and issue process to the accused NO 1 to 3 R/by 12.03.2024

Prl Civil Judge and JMFC Chikodi

O.S 421/2023.

Perused the file. The plaintiff has filed this suit seeking the relief of partition and separate possession in respect of suit schedule property. It is stated in the plaint that the suit property is ancestral property of the plaintiff and the defendants. On enquiry the parties have submitted that the suit property is ancestral in nature. As per the compromise, the suit property is divided in between the plaintiff and the defendant no.2 as per the terms stated therein. The defendants no.3 has relinquished her rights over the suit schedule property.

On perusal of the documents produced along with the plaint, it is seen that the RTC extract pertaining to the suit schedule property reflects the name of the defendant No.1. The parties submit that the genealogy shown in the plaint is true and correct and that the compromise being entered is bonafide. They also submit that no other persons have any manner rights over the suit properties.

Considering the facts and circumstances of the case, the compromise petition appears to be lawful. Hence, the same is acceptable.

The parties have produced their photographs and their adhar cards. As such, the following:

ORDER

The compromise petition filed by the plaintiff and defendants is hereby accepted.

The suit is decreed in terms of compromise petition. The compromise petition shall be binding only on the parties thereto.

Office to draw final decree as per the terms of compromise petition.

Prl Civil Judge and JMFC, Chikodi

Civil Misc 7/2023

Case is taken on today's Board. It is noticed that in the final orders of this case, the case sought to be restored is mentioned as 'OS 157/2017' instead of 'OS 152/2017'. The same is purely a clerical and typographical error which could be amended under the provisions of S 152 CPC. The amendment does not prejudice either side. Hence acting under S 152 CPC, the case number mentioned in the orders and order portion as 'OS 157/2017' is amended as 'OS 152/2017', to avoid multiplicity of proceeding to and to rectify the error.

Prl Civil Judge and JMFC Chikodi

CC 21/23

**ORDERS ON APPLICATION FILED U/S 302 R/W 256
Cr.P.C**

The Lrs of the complainant have filed the instant application seeking permission to prosecute the case on the grounds that the complainant has died on 31.07.2023 and that the applicants could not file necessary applications due to the reasons mentioned in the affidavit.

Perused the file. The case is filed for the offence punishable under S 138 NI Act. From the ordersheet, it is seen that on 06.11.2023, the death of the complainant was reported. On that day, the case was adjourned for steps. On 28.11.2023, the case was called out. There was no representation. Thus an

order was passed to the effect that the case has abated. On 01.12.2023, the instant application is filed.

S. 256 Cr.PC reads: (1) If the summons has been issued on complaint and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall notwithstanding anything hereinbefore contained, acquit the accused unless for some reason he thinks it proper to adjourn the hearing of the case to some other day; Provided that where the complainant is represented by a pleader or by the officer conducting the prosecution or where the Magistrate is of opinion that the personal attendance of the complainant is not necessary, the Magistrate may dispense with his attendance and proceed with the case.

(2) The provisions of Sub-Section (1) shall, so far as may be, apply also to cases where the non-appearance of the complainant is due to his death.

Thus the non appearance of the complainant due to death may result in acquittal of the accused. However in the case on hand, this court has exercised its discretion to adjourn the hearing of the case, to allow the Lrs if any, to apply to continue the prosecution. No doubt, in view of S 302 Cr.PC, it is the discretion of the magistrate to allow the proper and fit person to continue the prosecution. But the

case herein is such that, even though the court had adjourned the case giving an opportunity to the Lrs of

the complainant to file necessary application, on the date fixed for hearing, no application at all was filed, that has resulted in the case being abated. Had the application been filed before the case resulted in acquittal, the same could have been considered. Further, the reasons for the delay in filing application as stated in the application are not tenable. Moreover, the magistrate has no powers to recall the order and restore a criminal case which is closed. The decision relied by the ld counsel for the complainant in 1982 Cr.LJ 91 in the case of Bhageerathi Amma V Jeevankumar and ors deals with abatement of appeals and the case was u/s 500 IPC. The said case is differentiable on facts and law and thus is not helpful to the complainant. Hence, the application filed by the Lrs of the complainat is hereby rejected.

Prl Civil Judge and JMFC Chikodi

The plaintiff has filed the suit seeking the relief of partition and separate possession and has arrayed the Governor, State of Karnataka as defendant No 4 stating that his name is appearing in the RTC of the suit property, though no relief is claimed against him. However, the Governor has immunity against civil and criminal proceedings. Hence at this stage, office is directed to register the case against the defendant No 4 as shown in the cause title. As far as the suit against the State government is concerned, looking and

being satisfied with the grounds made out in the application filed by the plaintiff u/S 80 CPC, leave is granted to sue against the State government Rep by Deputy Tahasildar. Nada Karyalaya, Sadalaga Officer to register the suit and Put up by 05.12.2023

Prl Civil Judge & JMFC, Chikodi.

**Form No. 3 (Criminal)
Order sheet
Ch.VII R.1(1) 18,20(2)
CH.VII R.3.**

ORDER SHEET

IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC CHIKODI.

COMPLAINANT:

The State of Karnataka through Rep by Seed Inspector cum Agriculture officer, Raith Sampark Kendra Chikodi

V/s

ACCUSED:

Proprietor Pranam Seeds and Agritech and another

Sl. No.	Date of order or proceeding	Order or proceeding Signature of PO's	Signature of Parties or Pleaders when necessary
1	2	3	4

U/Se 19 of Seeds Act

Before Ashok R.H.

Prl Civil Judge & JMFC, Chikodi.

Date:28.11.2023.

This is a complaint filed by the Karnataka State Government Rep by Seed Inspector cum Agriculture officer, Raith Sampark Kendra Chikodi, Tal: Chikodi for the violation of the Seeds Provision of the Seeds Act and for the offences under section 19 of the Seeds Act.

This court, having taken consideration that the complaint is filed by the complainant in discharge of the official capacity, has dispensed the recording of the statement of the public servant. As far as the procedure contemplated 202 of Cr.P.C, the inquiry into the case in the circumstance where the accused reside at the place beyond the area where this court exercise its jurisdiction, the same also needs to be dispensed with. The Hon'ble Apex court in M/s Cheminova India V/s State of Punjab in Crl.Appeal NO.749/2021 decided on 04.08.2021 has observed that by virtue of the provision of Section 200 of Cr.P.C the Magistrate while taking cognizance need not record statement of such public servant who has filed a complaint in discharge of his official duty when Cr.P.C provides for exemption from examining of witnesses when the complaint is filed by the public servant. It is also observed that with regard to the procedure contemplated under section 202 of Cr.P.C., the same is to be viewed keeping in the mind that the complainant is a public servant who has filed complaint in discharge of his official duty. Thus the contention that there is non compliance of the procedure under section 202 of Cr.P.C while issuing summons was been rejected. In the instant case also as the complainant is a public

servant in discharge of her official the enquiry contemplated under section 202 of Cr.P.C is hereby dispensed.

Perused the complaint and also the documents produced along with it. There are materials to hold that there is a commission of alleged offence. Hence cognizance of offence punishable under section 19 of the Seeds Act is taken against the accused No 1 and 2.

Office is hereby directed to register the case against the accused in criminal register no.III and issue process to the accused NO 1 and 2 R/by 05.01.2024

Prl Civil Judge and JMFC Chikodi

Crime No.21/23

Order on final report.

Perused the final C report. It is noticed that even after proper investigation, the accused could not be found. The complainant has no objections to C report. Hence, C report is accepted. Case is closed for time being.

Prl Civil Judge and JMFC Chikodi

Crime No.94/22

Order on final report.

Perused the final C report. It is noticed that even after proper investigation, the accused could not be found. The complainant has not filed objections to C report. Hence, C report is accepted. Case is closed for time being.

Prl Civil Judge and JMFC Chikodi

Crime No.178/22

Order on final report.

Perused the final C report. It is noticed that even after proper investigation, the accused could not be found. The complainant has not filed objections to C report. Hence, C report is accepted. Case is closed for time being.

Prl Civil Judge and JMFC Chikodi

Crime No.149/22

Order on final report.

Perused the final C report. It is noticed that even after proper investigation, the accused could not be found. The complainant has not filed objections to C report. Hence, C report is accepted. Case is closed for time being.

Prl Civil Judge and JMFC Chikodi

Crime No.124/22

Order on final report.

Perused the final C report. It is noticed that even after proper investigation, the accused could not be found. The complainant has not filed objections to C report. Hence, C report is accepted. Case is closed for time being.

Prl Civil Judge and JMFC Chikodi

Crime No.136/22

Order on final report.

Perused the final C report. It is noticed that even after proper investigation, the accused could not be found. The complainant has not filed objections to C report. Hence, C report is accepted. Case is closed for time being.

Prl Civil Judge and JMFC Chikodi

CC 11/2022

Perused the file. The complainant has sought to amend the complaint w.r.t the branch of the society and the name of authorised person. It is stated that there was a typographical mistake. No objections are filed. The proposed

amendment appears to be formal and does not prejudice the accused. It is a settled law that curable infirmities, can be cured by filing for amendment at any stage. In **S.R Sukumar V S Sunaad Raghurav (2015) 9 SCC 609** it is held that, "What is discernible

from the U.P. Pollution Control Board's case is that easily curable legal infirmity could be cured by means of a formal application for amendment. If the amendment sought to be made relates to a simple infirmity which is curable by means of a formal amendment and by allowing such amendment, no prejudice could be caused to the other side, notwithstanding the fact that there is no enabling provision in the code for entertaining such amendment, the Court may permit such an amendment to be made". Thus the proposed deserves to

be allowed. Accordingly, the application seeking amendment of complaint filed by the complainant is hereby allowed.

Amendment of complaint and filing of amended complaint by 27.11.2023

Prl Civil Judge and
JMFC Chikodi

Crime No.12-2023

ORDERS ON “C” REPORT

The IO has filed “C” final report. The alleged offence is under section 279, 338 IPC and U/S 134, 187 of MV Act. The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic police have registered this case under their station crime No.12/2023 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, recorded restatement of witnesses, made efforts to file the accused, verifying the CC tv camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence “C” report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, medical certificates memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that "C" report filed by the IO deserves to be accepted. Thus the following:

ORDER

The "C" report filed by the CPI
Chikodi is hereby accepted.

The case is closed for the time being.

Prl. Civil Judge & JMFC.,

Chikodi.

Crime No.52-2022

ORDERS ON “C” REPORT

The CPI Chikodi has filed “C” final report. The alleged offence is under section 279, 304 A IPC and U/S 134, 187 of MV Act. The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic police have registered this case under their station crime No.52/2022 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, obtained the PM report, recorded restatement of witnesses, made efforts to file the accused, verifying the CC tv camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence "C" report is filed.

4. The copy of spot panchanama, sketch, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Moreover filing of the "C" report and closure of the case is only for the time being. If any information or any materials or the accused is found, the case would re-open followed by due procedure. Thus this court is of the opinion that "C" report filed by the CPI Chikodi deserves to be accepted. Thus the following:

ORDER

The “C” report filed by the CPI
is hereby accepted.

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

Crime No.17-2023

ORDERS ON “C” REPORT

The PSI traffic PS Chikodi has filed “C” final report. The alleged offence is under section 279, 338 IPC and U/S 134, 187 of MV Act. The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic PS police have registered this case under their station crime No.52/2022 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, made efforts to file the accused, verified the CCTV camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence "C" report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that "C" report filed by the IO deserves to be accepted. Thus the following:

ORDER

The "C" report filed by the PSI traffic Police Chikodi
is hereby accepted. s

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

Crime No.94 of 2022

ORDERS ON “C” REPORT

The PSI traffic PS Chikodi has filed “C” final report. The alleged offence is under section 457,380 of IPC The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic PS police have registered this case under their station crime No.94/2022 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, made efforts to find the accused, verified the CC tv camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence "C" report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that "C" report filed by the IO deserves to be accepted. Thus the following:

ORDER

The “C” report filed by the PSI traffic Police Chikodi is hereby accepted. s

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

Crime No.124 of 2022

ORDERS ON “C” REPORT

The PSI traffic PS Chikodi has filed “C” final report. The alleged offence is under section 379 of IPC The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic PS police have registered this case under their station crime No.124/2022 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, made efforts to find the accused, verified the CCTV camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence "C" report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that "C" report filed by the IO deserves to be accepted. Thus the following:

ORDER

The "C" report filed by the PSI traffic Police Chikodi
is hereby accepted. s

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

Crime No.136 of 2022

ORDERS ON “C” REPORT

The PSI traffic PS Chikodi has filed “C” final report. The alleged offence is under section 379 of IPC The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic PS police have registered this case under their station crime No.136 /2022 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, made efforts to file the accused, verified the CC

tv camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence "C" report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that "C" report filed by the IO deserves to be accepted. Thus the following:

ORDER

The "C" report filed by the PSI traffic Police Chikodi is hereby accepted. s

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

Crime No.149 of

2022

ORDERS ON “C” REPORT

The PSI traffic PS Chikodi has filed “C” final report. The alleged offence is under section 379 of IPC. The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic PS police have registered this case under their station crime No.149/ 2022 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, made efforts to find the accused, verified the CCTV camera, inquired the near by villages. But no useful information is found about the accident in spite of efforts. Hence “C” report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that "C" report filed by the IO deserves to be accepted. Thus the following:

ORDER

The "C" report filed by the PSI traffic Police Chikodi
is hereby accepted. s

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

Crime No.178 of 2022

ORDERS ON “C” REPORT

The PSI traffic PS Chikodi has filed “C” final report. The alleged offence is under section 379 of IPC. The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic PS police have registered this case under their station crime No.178/2022 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, made efforts to find the accused, verified the CCTV camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence “C” report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that "C" report filed by the IO deserves to be accepted. Thus the following:

ORDER

The "C" report filed by the PSI traffic Police Chikodi is hereby accepted. s

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

Crime No.21 of 2023

ORDERS ON “C” REPORT

The PSI Chikodi has filed “C” final report. The alleged offence is under section 379 of IPC. The informant has no objections to “C” report. Heard. Perused the materials on record.

2. The Chikodi traffic PS police have registered this case under their station crime No.21/2023 on the first information.

3. It is stated in the final report that subsequent to the registration of the case, the IO has conducted the inquest, spot panchanama, recorded the statement of witnesses, made efforts to find the accused, verified the CC tv camera, inquired the near by villages. But no useful information is found about the accident inspite of efforts. Hence “C” report is filed.

4. The copy of spot panchanama, photographs, statements of the witnesses, memo issued to police personnel to report about incident, the reports therein are also produced along with final report.

5. On considering the report filed by the police and also materials along with it, it is seen that the IO has properly conducted the investigation.

6. The prosecution materials produced with the final report shows that the police have made efforts to probe into the case. The reports shows that no useful information regarding the case is found. Therefore there is nothing on record to show that the police have not conducted investigation properly. Thus this court is of the opinion that “C” report filed by the IO deserves to be accepted. Thus the following:

ORDER

The “C” report filed by the PSI traffic Police Chikodi is hereby accepted. s

The case is closed for the time being.

Prl. Civil Judge & JMFC.,
Chikodi.

20.10.2023.

CC No.1269/2021.

The records of the case are received. It is noticed that, the records were submitted to the Hon'ble Appellate Court before compliance of conditions imposed by the Hon'ble Appellate Court. Now, the accused is ready to comply the conditions. It is submitted by the learned counsel for the accused that, the Hon'ble Appellate Court has accorded permission to comply the conditions by approaching this court. As such, the accused has sought to

permit him to deposit the 20% of fine amount and to furnish surety. It is also noticed that, the accused herein had filed a board application on 09-06-2023. This court is not empowered to extend the time granted by the Hon'ble Appellate Court. However, as the file was submitted to the Hon'ble Appellate Court on the date when the accused had approached this court to comply the orders and further the file has been sent to the Hon'ble Appellate Court for compliance, the accused is allowed to comply the conditions of the Hon'ble Appellate Court, subject to its acceptance by the Hon'ble Appellate Court.

The surety by name Annappa Ramappa Karatippagol is present and has filed his affidavit stating that, he knows the accused and he is ready to stand a surety to the accused. He has submitted the RTC of R.S.No.726 of Hukkeri taluka, stating that he is the owner of 01 acre 19 gunthas which is more than Rs.10,00,000/-. He undertakes

to keep present the accused before the Hon'ble Appellate Court.

Enquired. Satisfied. Suretyship is accepted.

The NBW issued against the accused stands cancelled after compliance of the conditions.

Put up on further orders by the Hon'ble Appellate Court.

Prl Civil Judge and
JMFC

Chikodi

CC 61/2023

Case is taken on board on the submission of the ld counsel for the accused and also on the receipt of recommendation of the UTRC Committee. The accused though has been granted bail, is in prison as he is unable to furnishh surety. Ld consel for the accused filed bail application and

has submitted that the accused be released on bail for one month during the time which the accused could arrange and furnish surety. Ld APP attached to this court is officiating today at Hukkeri court which he holds charge of. Hence objections to bail application if any by 16.10.2023

Prl Civil Judge and
JMFC Chikodi

FR OS 256-23

ORDERS ON VALUATION OF THE SUIT

Heard the ld counsel for the plaintiff. The plaintiff has filed this suit seeking the relief of declaration of ownership of the encroached area as described in schedule B to the plaint and for mandatory injunction to hand over the possession of encroached area and for permanent injunction restraining the defendants from interfering with his possession of the suit land.

Perused the plaint. At Paragraph 16, the plaintiff has valued the suit for permanent injunction at Rs.1000/- and for mandatory injunction at Rs. 1000/- and has paid court fee of Rs 50/- as per S 26(c) and S 2 (d) of KCF and SV Act 1958 and has valued the suit in the same manner for the purpose of jurisdiction.

From the plaint pleadings and the relief sought, it is forthcoming that the plaintiff has filed this suit seeking the relief of declaration and possession. Though the plaintiff has used the term 'mandatory injunction', in essence, it is the relief of possession which is sought. Hence S 24 (a) of KCF and SV Act 1958 is applicable. The said provision is extracted:

S. 24. Suits for declaration.- In a suit for a declaratory decree or order, whether with or without consequential relief, not falling under section 25,-

(a) where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be

computed on the market value of the property or on rupees one thousand , whichever is higher;

Further, for the purpose of jurisdiction, the valuation of the suit has to be made as per S 50 of the KCF and SV Act 1958. The said provision is also extracted under:

S. 50. Suits not otherwise provided for.- (1) In a suit as to whose value for the purpose of determining the jurisdiction of courts, specific provision is not otherwise made in this Act or in any other law, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same.

Provided that notwithstanding anything contained in sub-section (2) of section 7, the value of land specified in clauses (a), (b) or (c) of the said sub-section shall, for purposes of determining the jurisdiction of courts, be the market value of such land.

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of courts shall be the market value or where it is not possible to estimate it at a money value such amount as the plaintiff shall state in the plaint.

The ld counsel for the plaintiff has argued that the title of the plaintiff is not in dispute and as such valuation is correct. But the said argument is rejected, as the relief of declaration of ownership is specifically sought in the suit which necessitates the valuation as per law. Therefore, for the purpose of jurisdiction of

the court, the actual market value of the suit land as on the date is to be taken. The plaintiff herein has not at all valued the suit for the relief of declaration. Further, there is no correct valuation of the suit for the purpose of the jurisdiction. Hence plaintiff is directed the value the suit under S 24 (a) of KCF and SV Act 1958 for the purpose of court fee and under S 50 of KCF and SV Act 1958 for the purpose of jurisdiction, seperately and **file fresh valuation slip by 12.10.2023**

Principal Civil Judge and JMFC

Chikodi

03-10-2023.

ORDERS ON I.A NO 22 to 24

The plaintiffs have filed I.A No 22 to 24 under O 22 R 4, O 22 R 9 CPC and S 5 of Limitation Act to bring the LRs of deceased defendant No 9 on record. The suit is for partition. As per the plaint, the deceased defendant No 9 is the son of the Propositus. Thus right to sue survives. Therefore the LRs of the deceased defendant No.9 are necessary parties. The delay of 6 years 1 month 13 days in filing an application seeking to set aside the order of abatement needs to be condoned, to avoid multiplicity of proceedings. The delay caused can be condoned by imposing costs. **Hence I.A No 22 to 24 are allowed.** The delay is condoned on costs of Rs. 500 payable by plaintiffs to LRs of defendant No.9.

Plaintiffs to amend the plaint and file amended plaint by 20.10.2023

OS FR 272-23
03.10.2023.

Principal Civil Judge and JMFC
Chikodi