

PRELIMINARY DECREE

IN THE COURT OF THE I ADDL. CIVIL JUDGE & J.M.F.C., KADUR

O.S. No.458/2022.

PLAINTIFF :-

Smt. Gowramma, D/o Balappa, W/o Nanjundappa, aged about 53 years, Housewife, R/o Koratakere Totadamane Village, Kudluru Post, Ajjampura Hobli, Ajjampura Taluk, Chikkamagalur District

-Vs-

DEFENDANTS :-

1. Balappa, S/o Late Ariyappa, Aged about 85 years, Agriculturist,

2. Smt. Shivamma D/o Balappa, W/o Jagadeesh, aged about 49 years, Housewife, R/o Vittalapura village, Yallambalase Post, Yagati Hobli, Kadur Taluk, Chikkamagalur District.

3. Shivakumar S/o Balappa, Aged about 48 year, Agriculturist,

4. Naveen S/o Shivakumar, Aged about 23 years, Agriculturist,

The defendants No.1, 3 and 4 are R/o Koratakere Thotadamane Village, Kudluru Post, Ajjampura Hobli, Ajjampura Taluk, Chikkamagalur District.

Suit Filed On: 08-08-2022.

RELIEFS: The plaintiff prayed for the judgment and decree against the defendants for the following relief:-

(a) For partition and separate possession of plaintiffs 1/4th share in this suit schedule properties, by declaring that the gift deeds in S.R.No.KDR-1-03331-2019-20, dated 09.09.2019 and KDR-1-00563-2022-23 dated 21.04.2022 executed by the 1st defendant in favour of the 4th defendant are null and void.

(b) For mense profits Under order 20 Rule 12 C.P.C.

(c) For court costs and such other reliefs that this Hon'ble court deems fit to grant under the circumstance of the case.

This suit is coming on 12th day of July 2023 for final disposal before Sri. Aravindra B.C., B.A., LLB., I Addl. Civil Judge & J.M.F.C. Kadur, in the presence of Sri.C.M. Gangappa, Advocate for Plaintiff and Sri.S.N.Girish, Advocate for defendant No.1 and 4. Defendant No.2 and 3 are placed exparte.

After contesting by pronouncing judgment, it is ordered and decreed that, the suit of the plaintiffs is hereby decreed.

2. It is further order and decreed that, the plaintiff is entitle 1/4th share in the suit schedule properties.

3. It is further order and decreed that, the defendant No.1 to 3 are also entitle 1/4th share in the schedule properties.

4. It is ordered to the declared that, the registered Gift deed dated 09.09.2019 and 21.04.2022 executed by defendant No.1 in favour of defendant No.4 is not binding the plaintiffs 1/4th share of the schedule properties.

5. It is further order and decreed that, Looking into relationship of the parties no order as to cost.

Given under my hand and the seal of the court, this the 12th day of July 2023.

Compromise Final Decree

Signed On:05.08.2023.

Sd/-
**Addl. Civil Judge & J.M.F.C.,
Kadur**

MEMORANDUM OF COSTS INCURRED IN THIS SUIT

Sl.No.	Particulars	By Plaintiff	By Defendants
1.	Court Fee on the Plaint	15-00	--
2.	Court Fee paid on the power	--	--
3.	Court Fee paid on the I.As	--	--
4.	Service of Process	60-00	--
5.	Advocates Fee (F.C. filed)	--	--
	Total	75-00	--

Sd/-

**Addl. Civil Judge & J.M.F.C.,
Kadur**

SCHEDULE

1. The landed property bearing Sy.No.95/4, measuring 2 acres excluding 0.03 guntas karab, Asst.Rs.6-28, situated at Yarehalli village, Birur Hobli, Kadur Taluk bounded on the East by: Land of Nagappa, West by: Road, North by: Land of Smt.Siddamma, South by: Land of Eshwarappa.

2. The landed property bearing Sy.No.42/2, measuring 1 acre, excluding 0-08 guntas karab, Asst.Rs.1-31, situated Doddaghatta Village, Birur Hobli, Kadur Taluk, bounded on the East by: Land of Mahendra, West by: Land of Gowramma, North by: Land of Honnappa, South by: Land of Chandrappa.

Sd/-

**Addl. Civil Judge & J.M.F.C.,
Kadur**

VALUATION SLIP

Sl. No.	The clause of Sec.7(2) of the KCF and SV Act, 1958 under which the properties comes	The amount of Revenue of other basis of valuation	Method Adopted	Valuation arrived at	Jurisdictional value
1	U/Sec.35(2) of KCF and SV Act.	Rs.6-28	12 ½ times	Rs.78.5	Rs.3,00,000-00
2		Rs.1-31	12 ½ times	Rs.16.375	Rs.1,00,000-00
Total				Rs.94.875	Rs.4,00,000-00

The suit is for partition and separate possession of plaintiff ¼th share. The value of the suit under section 35(2) of KCF and SV Act is Rs.94-88, and the market value comes to Rs.1,00,000/- to half share, Hence a court fee of Rs.15-00 is paid on the plaint. The value of the suit property Rs.4,00,000-00 for the purpose of jurisdiction of this Hon'ble Court.

Sd/-

**Addl. Civil Judge & J.M.F.C.,
Kadur**