PNS files memo to permit him to retire from case on behalf of D-1 to 3 he also produces legal notice and acknowledgment

PNS is permitted to retire from the case. D-4 files I.A U/Sec.151 of CPC along with W.S seeking permission to file W.S of D-4. SSC submits no objections hence I.A is allowed. W.S of D-4 taken on record. Issues framed. Plaintiff present files affidavit in lieu of examination in chief examined as PW-1, Ex-P-1 to 23 are marked.

For further chief of PW-1.

Call on.17-01-2020

PRL.CIVIL JUDGE & JMFC
ALAND

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case to Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III.

PRL.CIVIL JUDGE & JMFC
ALAND

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case to Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III.

PRL.CIVIL JUDGE & JMFC
ALAND

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case to Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III.

PRL.CIVIL JUDGE & JMFC
ALAND

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case to Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III.

PRL.CIVIL JUDGE & JMFC
ALAND

C.C.No.93/2010

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case to Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III.

PRL.CIVIL JUDGE & JMFC
ALAND

Surety of accused is present.

Sri. SOM adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2000/- as penalty for his surety bond For accused .

Surety voluntaries that he would pay they penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.2000/- penalty for personal bond of the accused . Thus surety is directed to pay total Rs.4000/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

PRL. CIVIL JUDGE & JMFC,

ALAND

Case called out. The complainant is absent. In spite of giving opportunities complainant has failed to file objections to B report

Perused the final report carefully and no reasons are found to reject the B report submitted by the Police. Even the complainant has not filed any objections to the report. Therefore the B report submitted by the police is accepted and the case is closed.

Prl. Civil Judge & JMFC,
Aland.

C.C..No.602/2009

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case to Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III.

PRL.CIVIL JUDGE & JMFC
ALAND

Surety of accused is present. ACT files power for surety for accused.

Surety prays to take lenient view on him. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2500/- as penalty for his surety bond for accused. Surety voluntaries that he would pay the penalty for personal bond of accused. Hence surety is order to pay penalty of Rs.2500/- penalty for personal bond of the accused. Thus surety is directed to pay total Rs.5000/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

The amount paid by the surety is confiscated to the Government.

Material evidence have been recorded.

For orders.

Call on: 29.11.2019

PRL. CIVIL JUDGE & JMFC,
ALAND

Surety of accused is present.

He prays to take lenient view on him. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2500/- as penalty for his surety bond for accused. Surety voluntaries that he would pay the penalty for personal bond of accused. Hence surety is order to pay penalty of Rs.2500/- penalty for personal bond of the accused. Thus surety is directed to pay total Rs.5000/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

The amount paid by the surety is confiscated to the Government.

Issue proclamation to accused.

Call on: 07.01.2020

PRL. CIVIL JUDGE & JMFC,
ALAND

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case to Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III.

PRL.CIVIL JUDGE & JMFC
ALAND

The Hon'ble Prl. District and Sessions Judge Kalaburagi has granted permission to transfer this case Long Pending Register. Accordingly office is directed transfer this case to LPR by removing it from register No.III

PRL.CIVIL JUDGE & JMFC
ALAND

Police have filed charge sheet against the accused who is said to be died during the course of investigation. Therefore the case stands abated. Accordingly the case is closed.

PRL.CIVIL JUDGE & JMFC
ALAND

FIR No.436/2019

Police files requisition requesting to permit I.O. to add Sec. 302 of IPC in the FIR and to continue the investigation. In the requisition it is stated that injured of the case is succumbed due to the injuries out of the incident.

In view of death of the injured, it is necessary to add Sec. 302 of IPC and to continue the investigation.

Hence I.O. is permitted to add Sec. 302 of IPC in the FIR and to continue the investigation.

PRL.CIVIL JUDGE & JMFC,
ALAND

MVE files I.A's U/Sec. 151 of CPC to re-open the case of the plaintiff and to recall PW-1 for further examination in chief. MVE also files I/A U/O. 7 Rule 14 CPC along with list of documents.

SSC submits that I.A's may be allowed on heavy cost. In the interest of justice I.A's are allowed on cost of Rs:1000/-.

PW-1 present. He is further examined. Ex.P-9 and 10 are marked. PW-1 cross examined.

MVE files memo stating that plaintiff would restrict his claim to an extent of 5Acre-08Guntas in Sy.No. 155. SSC submits no objections to the said memo.

For Further arguments.

Call on : 09.10.2019

PRL.CIVIL JUDGE & JMFC,
ALAND

PW-1 present.

DSN files I.A. U/o 26 Rule 9 CPC .

For objection. MSH submits no objection.

Heard . Since this is a question of I feel it necessary to allowed the application, accordingly I.A. is allowed.

Thaluka surveyor Aland is appointed as commissioner. Commissioner fee is fixed Rs.1000/- tentatively.

Issue commissioner warrant if particulars are complied.

Call on.22-10.2019

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff absent.

Counsel for plaintiff present and prays time. Inspite of giving several opportunities, plaintiff did not appear before the court and led evidence.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Police files application to issue body warrant against the accused by name Mohan S/o Namdev Kale, stating that the sade accused is in judicial custody in central jail Davangere under U.T.P No.953/2019.

Since the accused of this case is in judicial custody in another case and in this case proclamation has been issued against the accused, it is necessary to issue body warrant against him in order to secure his presence. Accordingly I proceed to pass the following:

Issue body warrant against the accused by name Mohan S/o Namdev Kale.

Call on 24-09-2019.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.133/2016

A-1, 2 and 5 present.
NBW un executed.
Reissue NBW to A-3 and 4.
Call on.11-10-2019

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff absent.

Counsel for plaintiff present and prays time. Inspite of giving several opportunities, plaintiff did not appear before the court and led evidence.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

For petitioner evidence.
Call on 03-10-2019.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.433/2017

Police files application to issue body warrant against the accused by name Mohan S/o Namdev Kale, stating that the sade accused is in judicial custody in central jail Davangere under U.T.P No.953/2019.

Since the accused of this case is in judicial custody in another case and in this case proclamation has been issued against the accused, it is necessary to issue body warrant against him in order to secure his presence. Accordingly I proceed to pass the following:

Issue body warrant against the accused by name Mohan S/o Namdev Kale.

Call on 24-09-2019.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.396/2017

Police files application to issue body warrant against the accused by name Mohan S/o Namdev Kale, stating that the sade accused is in judicial custody in central jail Davangere under U.T.P No.953/2019.

Since the accused of this case is in judicial custody in another case and in this case proclamation has been issued against the accused, it is necessary to issue body warrant against him in order to secure his presence. Accordingly I proceed to pass the following:

Issue body warrant against the accused by name Mohan S/o Namdev Kale.

Call on 24-09-2019.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.462/2017

Police files application to issue body warrant against the accused by name Mohan S/o Namdev Kale, stating that the sade accused is in judicial custody in central jail Davangere under U.T.P No.953/2019.

Since the accused of this case is in judicial custody in another case and in this case proclamation has been issued against the accused, it is necessary to issue body warrant against him in order to secure his presence. Accordingly I proceed to pass the following:

Issue body warrant against the accused by name Mohan S/o Namdev Kale.

Call on 24-09-2019.

PRL.CIVIL JUDGE & JMFC,
ALAND

Police files application to issue body warrant against the accused by name Maregappa S/o Ningappa Kumbara, stating that the sade accused is in judicial custody in central jail Bengaluru under U.T.P No.1880/2019.

Since the accused of this case is in judicial custody in another case and in this case proclamation has been issued against the accused, it is necessary to issue body warrant against him in order to secure his presence. Accordingly I proceed to pass the following:

Issue body warrant against the accused by name Maregappa S/o Ningappa Kumabar.

Call on 24-09-2019.

PRL.CIVIL JUDGE & JMFC,
ALAND

Police files requestion for continuation of investigation as they have got some clues about the case. In view of requestion, police is permitted to continue the investigation and to file report.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff files memo stating that she does not want to press the suit.

In view of memo, suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl.Misc.No.973/2012

Petitioner and counsel absent.
Inspite of giving opportunities, petitioner failed to secure the presence of respondent and to take steps.
Hence petition is closed with a liberty to recover maintenance by filing fresh petition.

PRL.CIVIL JUDGE & JMFC,
ALAND

Petitioner absent.

Counsel for petitioner present and prays time. Inspite of giving several opportunities, petitioner did not appear before the court and led evidence.

By the conduct of the petitioner it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The petition is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Surety of accused No. 2 is present.

He prays to take lenient view on him. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his surety bond For accused No.2. Surety voluntaries that he would pay the penalty for personal bond of accused No.2. Hence surety is order to pay penalty of Rs.1000/- penalty for personal bond of the accused No.2. Thus surety is directed to pay total Rs.2000/- as penalty.

Since surety bond and personal bond of the surety and accused No.2 is recovered, the surety is discharged.

The amount paid by the surety is confiscated to the Government.

Amount of Rs:20,000/- deposited by the accused on 05.05.2010 is confiscated to the Government.

Material evidence have been recorded.

For orders.

Call on: 19.08.2019

PRL. CIVIL JUDGE & JMFC,
ALAND

DHR has filed application U/Sec. 151 of CPC praying the court to direct the bailiff to break open lock in order to give possession of the sold property in auction.

Perusal of the records reveal that the possession of the property sought was auctioned and sale certificate has been granted by this court in favour of Decree Holder. Under such circumstances, Order 21 Rule 95 speaks that if the application for delivery of property purchased in auction is made by the purchaser, the court shall order delivery to be made by putting such purchaser. It also specifies if there is need, the court can also put the purchaser in the possession by removing any person.

In the application DHR contends that auctioned property is locked. Thus it is appropriate to direct the bailiff to break open the lock and to give possession of the auctioned property. Accordingly I proceed to the following ;

ORDER

I.A. filed by DHR U/Sec. 151 of CPC is hereby allowed.

Issue possession warrant.

Bailiff is directed to break open the lock of the property and give possession in favour of DHR.

Call on : 05.09.2019.

Prl. Civil Judge & JMFC
Aland

DHR has filed application to dispense with the notice to Jdr.s and to issue possession warrant. The date of Final Decree is on 15.04.2019 i.e. within 2 years from the date of Decree, decree holder has filed Execution Petition. Order 21 Rule 22 CPC says cause notice may be dispensed with if the Execution petition is filed before 02years from the date of Decree. Therefore I am of the

opinion that cause notice is not necessary to Jdr's and accordingly it is dispensed with.

Issue Possession Warrant.

Call on 29.08.2019

Prl. Civil Judge & JMFC
Aland

Plaintiff absent.

Counsel for plaintiff present and prays time. Inspite of giving several opportunities, plaintiff did not appear before the court and led evidence.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the

matter. Hence, the suit deserves to be dismissed. Accordingfly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff absent.

Counsel for plaintiff present and prays time. Inspite of giving several opportunities, plaintiff did not appear before the court and led evidence.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the

matter. Hence, the suit deserves to be dismissed. Accordingfly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Complainant absent.

Accused absent. Since long, complainant has not taken steps against the accused. This is the case of the year 2012. Sufficient opportunities has already been given. No grounds to adjourn the matter. Hence complaint is dismissed as steps not taken.

Prl. Civil Judge & JMFC
Aland.

The Counsel for the petitioner files application for correction in the petition by mentioning the name of the petitioner. It is seen that in the petition the name of the petitioner is mentioned as Rahat Rajiya, but it is stated that the correct name of the petitioner is Rahat Rajak. The above said mistake is typographical error. Therefore it has to be rectified. Accordingly I proceed to pass the following;

ORDER

Petition filed by the petitioner for amendment is allowed.

Petitioner to carryout and to furnish amended petition.

Amendment carried out, amended petition filed.

The respondent No.1 is hereby directed to make entry of date of birth of the petitioner by name Rahat Rajak S/o Shamshoddin Gaddewale, R/o Telakuni, Tq.Aland as on 21.11.2017 at Telakuni Tq.Aland in the Birth Register by receiving requisite fees and penalty and issue Birth Certificate.

Prl. Civil Judge & Aland
Aland

Petitioner files application U/Sec. 431 of Cr.P.C for attachment and sale of property of the respondent.

The petitioner is avared that recovery petition is filed to recovery arrears of maintenance of Rs:1,10,000/-. Since the date of petition, respondent has not paid single pie. Therefore petitioner sought for attachment and sale of the property of the respondent.

Perused the application and order sheet. It is seen that since the date of petition, respondent has not appeared before the court and paid any amount. In spite of issuance of repeated arrest warrants police could not secure the presence of the respondent.

The petitioner along with the application has produced RoR of Sy.No.245/1 measuring 0.96-R which is jointly standing in the name of respondent, his brother Irfan Rafisu Jamadar, Israr Rafisu Jamadar, Azam Rafisu Jamadar and Anwar. Since the respondent has not paid any maintenance amount, I am of the opinion that the share of the respondent in the above said property has to be attached in order to recover maintenance. Accordingly I proceed to pass the following;

ORDER

Application filed by the petitioner U/Sec. 431 of Cr.P.C. is hereby allowed.

Tahasildar, Akkalkot, Dist. Solapur, is hereby directed to attach 1/5 share of the respondent in property Sy.No.245/1, measuring 0-96R. situated at Hannur village, Tq.Akkalkot and mention the number of this petition in RoR.

Issue intimation to Tahasildar, Akkalkot.

Call on 23.08.2019

Prl. Civil Judge & JMFC
Aland

Commissioner filed report stating that the possessor of Sy.No.140/2 is obstructing to do Commission work and he needs police protection to conduct commission work as per the order of the Court.

Since Commissioner is alleging the obstruction against the adjacent land owner of Sy.No.148, I am of the opinion that police is help is required to do commission work. Accordingly I Proceed the following ;

ORDER

PSI Nimbarga is directed to give police protection to Court Commissioner/ Surveyor in order to execute commission work.

Plaintiff and defendant are hereby directed to assist the commissioner in doing his commission work.

Re-issue Commissioner warrant with police help.

Call on 06.08.2019

Prl. Civil Judge & JMFC
Aland

Agriculture officer, Fertilizers Raitha Samparka Kendra Aland, is present. Files complaint. Perused the complaint. Satisfied with the averments made in the complaint. There are materials against the accused No.1 and 2 to proceed against them for the offences alleged in the complaint. Accordingly, cognizances is taken for the offense punishable under Clause 19(i)(a) of the Fertilizer Control Order 1985 U/Sec. 3(2)(a)&(d) and U/Sec. 7(i)(a)(ii)&(d) of Essential Commodity Act.

Office is directed to Register C.C. and issue summons to Accused No.1 and 2.

Prl. Civil Judge & JMFC.
Aland

DHR has filed application to dispense with the notice to Jdr.s and to issue possession warrant. The date of Final Decree is on 05.02.2019 i.e. within 2 years from the date of Decree, Decree Holder has filed Execution Petition. Order 21 Rule 22 CPC says cause notice may be dispensed with if the Execution petition is filed before 02years from the date of Decree. Therefore I am of the opinion that cause notice is not necessary to Jdr's and accordingly it is dispensed with.

Issue Possession Warrant.

Call on 28.07.2019

Prl. Civil Judge & JMFC
Aland

This case is put up on board today.

This case is restored as per the order dated: 29.05.2019 in Civil Misc. No. 3/2018. Plaintiff and Defendant absent. Counsel for the plaintiff B.A.D present. A.W.A undertakes to file power for Defendant. Defendant to comply order.

Call on 29.06.2019.

Prl. Civil Judge & JMFC
Aland

Case is taken on today's board upon an advancement application filed by petitioner.

The petitioner has filed application under Sec.152 of CPC praying to amend the Final Decree order passed on 15.04.2019.

In the application it is contended that, by typographical error in para 1 of page No.3 of the order Sy.No. And measurement is mentioned as 2/A and 13guntas instead of 21/2A and 30guntas. Further in para No.2 again by mistake Sy.No. is mentioned as 2Aa instead of Sy.No.22/2A. Therefore petitioner prayed to amend the order of Final Decree.

I have perused the Preliminary Decree. In Preliminary Decree was amended for rectify as per the order dated: 25.01.2016. In the amended Preliminary decree Sy.No.2A and 1-acre 13-guntas are rectified as Sy.No.21/2A and 1-Acre-30guntas. It is also rectified that the Sy.No. 2/Aa as Sy No. 22/2A. In the order inadvertently Sy.No.2A and 1-acre 13-guntas is mentioned instead of Sy.No.21/2A, 1-acre 30-guntas. It is also wrongly mentioned as Sy.No.2/Aa instead of 22/2A. The above said mistakes are typographical errors and they have to be rectified.

The above mistakes appear to be typographical mistakes which can be corrected by the court under the provision of Sec.152 of CPC. Thus in view of the above reasons and the power conferred on the court under the above provision, I proceed to pass the following.

ORDER

The application filled by plaintiff under Sec.152 of CPC is hereby allowed.

The Sy.No.in para 1 of the order to be rectified as 21/2A by deleting Sy No.2/A and the measurement has to be rectified as 1-acre-30guntas by deleting 1-acre 13-guntas. In para No.2 Sy.No.has to be rectified as 22/2A by deleting 2/Aa.

Office is directed to make corrections/Amend in the Final order as per the above order and to take my signature.

PRL.CIVIL JUDGE & JMFC,
ALAND

The Counsel for the petitioner files application for correction of order mentioning the Date of birth of the petitioner. It is seen that in the petition the date of birth of the petitioner is mentioned as 16.09.2006, but in the order the date of birth of the petitioner is mentioned as 16.06.2006. The above said mistake is typographical error. Therefore it has to be rectified. Accordingly I proceed to pass the following;

ORDER

Petition filed by the petitioner for amendment is allowed.

The respondent No.1 is hereby directed to make entry of date of birth of the petitioner by name Faizan Ahmed Zardi S/o Tajuddin Zardi R/o Aland, as on 16.09.2006 at Aland in the Birth Register by receiving requisite fees and penalty and issue Birth Certificate.

Prl. Civil Judge & Aland
Aland

The Counsel for the petitioner files application for correction of order mentioning the name of the petitioner. It is seen that in the petition the name of the petitioner is mentioned as Abdul Rehman Zardi, but in the order the name of the petitioner is mentioned as Abdul Rahman Zardi. The above said mistake is typographical error. Therefore it has to be rectified. Accordingly I proceed to pass the following;

ORDER

Petition filed by the petitioner for amendment is allowed.

The respondent No.1 is hereby directed to make entry of date of birth of the petitioner by name Abdul Rehman Zardi S/o Tajuddin Zardi, R/o Aland as on 23.02.2004 at Aland in the Birth Register by receiving requisite fees and penalty and issue Birth Certificate.

Prl. Civil Judge & Aland
Aland

Case called out.

KPT present and prays time. Plaintiff absent. Sufficient opportunities have been given to PW-1 to tender herself for Cross Examination. In spite of giving sufficient opportunities plaintiff has failed to appear before the court for the purpose of cross examination. Hence, the plaintiff has made out no ground to adjourn the matter. Hence, the prayer of counsel for the plaintiff is rejected.

By the conduct of the plaintiff it is seen that she is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

FIR.No. /2019

Cr.No.112/2019

Police files requisition praying to add Sec.304(A) IPC in the FIR perused the record it is found the first instance FIR was lodged for the offences punishable U/Sec.279 and 338 of IPC since it is stated that unknown injured is succumed due to injuries sustained in the accident, it is incumbent of I.O to add Sec.304(A) of IPC. Accordingly I.O permitted to add Sec.304(A) of IPC to conduct investigation.

PRL.CIVIL JUDGE & JMFC
ALAND

This case is put up on board today.

This case is restored as per the order dated: 29.05.2019 in Civil Misc. No. 9/2017. Plaintiff present. PVA files memo along with a receipt for having paid cost of Rs:1000/- to TLSC, Aland as per the order of the Court.

Issue Summons to defendant through RPAD.

Call on 26.08.2019.

Prl. Civil Judge & JMFC
Aland

Plaintiff absent.

Counsel for plaintiff absent.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Respondent present.

He submitted that as there was rush of work, he could not complete commission work and submitted before the Court as per the order of the Court. He also apologizes for the delay and assured that he will not be repeating the same and he assured that he will oblige the order of the Court.

Submission of the respondent is accepted. Notice issued U/Sec 166(A) of IPC is recalled and the case is closed.

I/C Prl. Civil Judge & JMFC
Aland

It is seen that the Court has ordered to register Civil Misc. petition against the respondent Bhima S/o Amrut Dhotre under order 39 Rule2(A) of CPC. Instead of registering Civil Misc., office has inadvertently registered Crl. Misc. against Bhima S/o Amrut Dhotre.

Directing the office to register Civil Misc. against Bhima S/o Amrut Dhotre, this petition stands closed.

Prl. Civil Judge & JMFC
Aland

Police filed RoR of Sy.No.191/E belonging to Sharanappa S/o Sidramappa which was ordered to be attached. The property is duly

attached. Tahasildar is directed to auction the property after 06 months of the attachment and to remit the auctioned money to the extent of Rs:10,000/- before the Court.

Accordingly petition is closed.

Prl. Civil Judge & JMFC
Aland

Police filed RoR of Sy.No.462 belonging to Nu Ansari S/o Mohammedsab which was ordered to be attached. The property is duly attached. Tahasildar is directed to auction the property after 06 months of the attachment and to remit the auctioned money to the extent of Rs:5,000/- before the Court.

Accordingly petition is closed.

Prl. Civil Judge & JMFC
Aland

Perused the order sheet. The offences punishable U/sec.279, 304(A) IPC and U/Sec. 187 of IMV Act. The said offences are triable by this court and summons-case. The Investigation officer has filed the charge sheet against accused and this court has taken the cognizance on 21.07.2016. Summons could not be served. Hence Court has issued NBW's against the accused, inspite of

repeated NBW's presence of accused could not be secured by the Police. Thereby I am of the view that prosecution has utterly failed to trace out the accused. Further in view of Law lay down and reported in *ILR-1994-Karnataka-page-No-3308*, the above case proceedings has been stopped, as per the section-258, of Cr.P.C. Further the prosecution is at liberty to move an application after tracing the accused. Accordingly above C.C. disposed off.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

RJP present and prays time. Plaintiff absent. Sufficient opportunities have been given to the plaintiff to lead evidence. In spite of giving sufficient opportunities plaintiff has failed to appear before the court and to lead evidence. Hence, the plaintiff has made out no ground to adjourn the matter. Hence, the prayer of counsel for the plaintiff is rejected.

By the conduct of the plaintiff it is seen that she is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Police have filed charge sheet against the accused who is said to be died during the course of investigation. Therefore the case stands abated. Accordingly the case is closed.

PRL.CIVIL JUDGE & JMFC
ALAND

Accused present.

Statement of accused is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against him are read over, explained and made known to him in the language known to him. He denied the same in toto and submitted that he has no evidence to lead .

For Judgment.

Call on : 13.06.2019.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case is posted for steps.

BSN prays time. Since the initiation of proceedings steps have not been taken against the accused by the complainant. Therefore no grounds made out to adjourn the matter. Hence prayer rejected. Complaint is dismissed for default.

Prl. Civil Judge & JMFC
Aland

Police have filed charge sheet against the accused who is said to be died during the course of investigation. Therefore the case stands abated. Accordingly the case is closed.

PRL.CIVIL JUDGE & JMFC
ALAND

Accused present.

Counsel for the accused files application U/S. 252 Cr.P.C. stating that accused wants to plead guilty. I have enquired with the accused. She pleaded guilty even after explaining the consequences of pleading guilty. Submission of accused appeared to be voluntary.

It is seen that there are 4 accused in this case. Accused No.1, 2 and 4 are expired and case against them was abated. The charge for the offense punishable U/Sec. 3, 4 and 5 of Immoral Traffic Prevention Act was framed against this accused No.3. In the panchanama, FIR and in the Charge Sheet, this accused was not alleged as such it would attract Sec. 3 and 5 of Immoral Traffic Prevention Act. APP submits that Sec. 3 and 5 are also applicable against accused No.3. Hence she has to be imprisoned U/Sec. 3 and 5 of the Act.

I have perused Sec.3 and 5 of the Act. Sec. 3 is applicable for keeping brothel or permitting premises to be used as brothel. Sec. 5 is applicable for procuring, inducing or taking the person for sake of prostitution. It is not alleged in the charge sheet and in the

panchanama against accused No.3 that she is running a brothel or has given premises to use

it as brothel. It is also not alleged against accused No.3 that she was inducing any person for the sake or prostitution. Therefore I am of the opinion that the accused No.3 has to be convicted only for the offense punishable U/Sec. 4 of the Act. Accordingly prayer of APP is rejected. Hence I proceed to the following,

O R D E R

Acting U/Sec. 252 of Cr.P.C. accused No.3 is convicted for the offence punishable U/Sec. 4 of Immoral Traffic Prevention Act.

Accused No.3 is convicted to pay fine of Rs:1,000/-. In default has to undergo simple imprisonment for the period of 3 months.

I.O. is directed to destroy Article mentioned in Col.No.11 of the Charge Sheet since they are unworthy.

Prl. Civil Judge & JMFC
Aland.

Accused filed memo admitting the claim of the complainant to be of Rs:5,00,000/-. In the memo it is also stated that salary of the accused may be attached in lieu of recovery of Rs.5,00,000/-.

Accused has stated that he has given 4 cheques vide Cheque Numbers 696985, 696984, 696983, 696986. He anticipated that the complainant may file another complaint by misusing the above said cheques. The Court had ordered to return the cheques to the accused in lieu of compromise. The complainant has returned cheque vide No. 696984 and stated that he has no other cheques. The complainant has also admitted that he would not file any other complaint by using any cheques given to him by the accused.

The accused has produced his salary certificate wherein his net salary is shown as 14,359/- per month. Since recovery of amount is of Rs:5,00,000/-, I am of the opinion that Rs:7,000/- has to be attached from

the salary of the accused to recover the cheque amount. Accordingly I proceed the following.

O R D E R

Drawing authority of the accused is ordered to attach Rs:7,000/- salary per month of the accused and to deposit the same before the Court.

Prl. Civil Judge & JMFC
Aland

Respondent No.1 present.

Sri. BAD adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on Respondent No.1. Looking into the financial conditions of the Respondent No.1 and taking a lenient view upon him, he is ordered to pay Rs.2000/- as penalty for his personal bond.

Since surety bond and personal bond of the respondents are recovered.

Petition is closed.

PRL. CIVIL JUDGE & JMFC,

ALAND

Case called out.

None present. Call after some time. Case again called out at 8.30 a.m. None present. Call after some time. Case again called at 11.45 a.m. SSC present and prays time. Plaintiff absent. Sufficient opportunities have been given to the plaintiff to lead evidence. In spite of giving sufficient opportunities plaintiff has failed to appear before the court and to lead evidence. Hence, the plaintiff has made out no ground to adjourn the matter. Hence, the prayer of counsel for the plaintiff is rejected.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

CPI Aland has filed requisition to cunduct identification pared of Accused No.1 and2 of this case. It is seen that accused No.1 and 2 have been arrested by the police and they have been taken to judicial custody by the court and they have been given UTP No. 12161 and UTP No. 12160

respectively. Since the offence is alleged to have been occurred during night, and the offence is punishable U/Sec. 392 of IPC. I feel identification pared is necessary to identify the accused persons.

Therefore Tahasildar, Aland is directed to conduct the identification pared of accused No.1 and 2 of this case and Jail Authorities are directed to assist Tahasildar and other Police officials in conducting the identification pared.

Prl. Civil Judge & JMFC.
Aland.

PSI Aland has filed requisition to permit him to deposit seized Electronic Weighing Machine before Deputy Commissioner, Kalaburagi. In the requistion it is stated that since the Electronic Weighing Machine and other essential commodities were seized under the offence U/Sec.3, 6(a), 7 of E.C. Act, the material objects seized have to be deposited before Deputy Commissioner, but in advertently, he had sought permission of the Court to keep the above said Electronic Weighing Machine in custody of the police. Therefore he prayed to permit him to give the custody of the above said Electronic Weighing Machine before the Deputy Commissioner.

It is seen that the above said Electronic Weighing Machine is seized for the offence punishable U.Sec.6(a), 7 of E.C. Act. Since the material object has been seized under E.C. Act, Deputy Commissioner/ Asst. Commissioner is proper authority to have the custody of the seized articles. Therefore, Police are directed to give the custody of the above said Electronic Weighing Machine and other metial objects seized, before Deputy Commissioner / Asst. Commissioner, Kalaburagi.

Prl. Civil Judge & JMFC.
Aland.

PSI Aland has filed requisition to permit him to deposit seized vehicle TATA Ultra No. KA 32-D-3307 before Deputy Commissioner, Kalaburagi. In the requistion it is stated that since the vehicle and other essential commodities were seized under the offence U/Sec.3, 6(a), 7 of E.C. Act, the material objects seized have to be deposited before Deputy Commissioner, but in advertently, he had sought permission of the Court to keep the above said vehicle in custody of the police. Therefore he prayed to permit him to give the custody of the above said vehicle before the Deputy Commissioner.

It is seen that the above said vehicle is seized for the offence punishable U.Sec.6(a), 7 of E.C. Act. Since the material object has been seized under E.C. Act, Deputy Commissioner/ Asst. Commissioner is proper authority to have the custody of the seized articles. Therefore, Police are directed to give the custody of the above said vehicle and other metial objects seized, before Deputy Commissioner / Asst. Commissioner, Kalaburagi.

Prl. Civil Judge & JMFC.
Aland.

PSI Aland has filed requisition to permit him to deposit seized vehicle Lorry No. KA 32-4546 before Deputy Commissioner, Kalaburagi. In the requistion it is stated that since the Lorry and other essential commodities were seized under the offence U/Sec.3, 6(a), 7 of E.C. Act, the material objects seized have to be deposited before Deputy Commissioner, but in advertently, he had sought permission of the Court to keep the above said lorry in custody of the police. Therefore he prayed to permit him to give the custody of the above said lorry before the Deputy Commissioner.

It is seen that the above said lorry is seized for the offence punishable U.Sec.6(a), 7 of E.C. Act. Since the material object has been seized under E.C. Act, Deputy Commissioner/ Asst. Commissioner is proper authority to have the custody of the seized articles. Therefore, Police are directed to give the custody of the above said vehicle and other metial objects seized, before Deputy Commissioner / Asst. Commissioner, Kalaburagi.

Prl. Civil Judge & JMFC.
Aland.

PDO V.K. Salagar is present. He has produced Original D.C.B. Register of V.K. Salagar Mandal Panchayat for the year 1989-1990. Wherein it is found that in property No. 2-98 Rachayya Nijayya Swamy Kallimath was round off, and name of Gurubai is entered. I have perused the original. PDO has produced certified copy of the same. Hence original document is returned to PDO and certified copy is kept with file.

Counsel for plaintiff filed I.A U/O. 16 Rule 1 and 2 CPC along with list. SSC submits no objections. Heard. In the interest of justice I.A is allowed.

PDO Gram Panchayat V.K. Salagar is present. He is examined as PW-2.

For cross of PW-2.

Call on 11.06.2019.

Prl. Civil Judge
Aland.

On the submission of consel for petitioner, case is taken on todays board.

Cousel submits that in the causelist the case is listed today, by noticing the date on internet he has taken paper publication.

It is notice that the case is listed today but in the ordersheet it is mentioned that case must be listed on 24.04.2019. As there are two different dates, in ordersheet and in causelist, bonafide thinking that today case will be listed, petitioner has taken paper publication. Paper publication is produced. The same is accepted.

Notice to respondent is also served.

Call on 24.04.2019

PRL.CIVIL JUDGE & JMFC
ALAND

Crl.Misc..No.738/2018

Petitioner and counsel absent. Inspite of giving sufficient opportunities, no steps taken against respondent. Hence petition is dismissed for default.

PRL.CIVIL JUDGE & JMFC
ALAND

Crl.Misc.No.344/2012

It is seen that this is initiated against the accused and surety as surety bond of the accused and surety was forfeited. Perusal of ordersheet sorce that on 15.03.2012 surety of accused was present and he was imposed of Rs.2000/- penalty. Now the case was against the accused. The Tahasildar has filed report stating that accused does not possess any immovable property. Hence, notice to the father of the accused was issued. Police files report stating that father of the accused is also dead. Since the surety bond amount has been recovered, I feel there is no point in continuing the proceedings. Accordingly petition stands closed.

PRL. CIVIL JUDGE & JMFC,
ALAND

The commissioner has sent letter stating that there is 15 years gap between disputed signatures in Ex.P-3, P-4 and admitted signature in vakalat and plaint. He submits to send admitted signature of Bheemrao which has less gap with disputed signatures. PNS submits that since Bheemrao is expired, he cannot find documents which has his signatures. Therefore the entire plaint in O.S.No.20/2008 is order to be sent. For the purpose identification admitted signature of Bheemrao in plaint are marked as A-1 and A-2.++++++++++++++++++++++++++++++++

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused No. 2 is present.

Sri. RJP adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his surety bond For accused No.1 and 2. Surety voluntaries that he would pay they penalty for personal bond of accused No.1 and 2 also. Hence surety is order to pay penalty of Rs.1000/- penalty for personal bond of the accused No.1 and 2. Thus surety is directed to pay total Rs.2000/- as penalty.

Since surety bond and personal bond of the surety and accused No.1 and 2 is recovered, the surety is discharged.

Accused No.2 present. RJP files bail application U/Sec.437 of Cr.P.C.

++++++++++++++++++++++++No fresh surety offered. Hence accused is sent to J.C till

Call on.19.02.2019.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused is present.

Sri. RJP adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1250/- as penalty for his surety bond For accused. Surety voluntaries that he would pay they penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.1250/- penalty for personal bond of the accused. Thus surety is directed to pay total Rs.2500/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

Attachment warrant issued against Sy.No.131/ಅ measuring 3 acres of Kodalhangarga village is hereby recalled. Thasildar is directed not to take steps in respect of above property.

Issue intimation of the above order.

Petition is closed.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Case called out.

None present. Call after some time. Case again called out at 3:15 p.m. None present. Call after some time. Case again called at 5:10 p.m. BAD present and prays time. Plaintiff absent. Sufficient opportunities have been given to the plaintiff to lead evidence. In spite of giving sufficient opportunities plaintiff has failed to appear before the court and to lead evidence. Hence, the plaintiff has made out no ground to adjourn the matter. Hence, the prayer of counsel for the plaintiff is rejected.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Complainant files memo stating that matter is settled out of court and he does not want to press the complaint.

In view of memo, suit is dismissed as not pressed.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Plaintiff, D-1 to 7 are present.

Plaintiff submits that matter is settled out of court. She also files memo stating that she does not want to press the suit.

In view of memo, suit is dismissed as not pressed.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Accused present.

Files application U/Sec.252 of Cr.P.C and pleads that he wants to plead guilty.

Perused order sheet. Substance of accusation was already readover to the accused on.31.03.2016, wherein he did not plead guilty and said that he has defense to make.

Today, accused has filed application for pleading guilty. I have personally enquired with the accused and explained the consequences of pleading guilty. Still accused wants to plead guilty. The submission of accused appears to be voluntary. Therefore submission of accused is accepted. Accused pleaded guilty for the offence punishable U/Sec.279, 337 of IPC. Therefore I proceed to pass the following.

O R D ER

Acting U/Sec. 252 Cr.P.C. Accused is convicted for the offence punishable U/Sec. 279, 337, of Indian Penal Code

He is sentenced to pay a fine of Rs.1000/-, for the offence punishable U/Sec. 279 of IPC and in default he shall undergo S.I. for 3 months.

Further the accused is sentenced to pay a fine of Rs.500/- for the offence punishable U/Sec. 337 of IPC, in default he shall undergo S.I. for 3 months.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Petitioner present. Files memo stating that arrears have been recovered.

In view of memo petition is closed.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Accused present.

Files application U/Sec.252 of Cr.P.C and pleads that he wants to plead guilty.

Perused order sheet. Substance of accusation was already readover to the accused on.31.03.2016, wherein he did not plead guilty and said that he has defense to make.

Today, accused has filed application for pleading guilty. I have personally enquired with the accused and explained the consequences of pleading guilty. Still accused wants to plead guilty. The submission of accused appears to be voluntary. Therefore submission of accused is accepted. Accused pleaded guilty for the offence punishable U/Sec.279, 337 of IPC. Therefore I proceed to pass the following.

O R D ER

Acting U/Sec. 252 Cr.P.C. Accused is convicted for the offence punishable U/Sec. 279, 337, of Indian Penal Code

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Further the accused is sentenced to pay a fine of Rs.500/- for the offence punishable U/Sec. 337 of IPC, in default he shall undergo S.I. for 3 months.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Accused present.

Files application U/Sec.252 of Cr.P.C and pleads that he wants to plead guilty.

Perused order sheet. Substance of accusation was already readover to the accused on.31.03.2016, wherein he did not plead guilty and said that he has defense to make.

Today, accused has filed application for pleading guilty. I have personally enquired with the accused and explained the consequences of pleading guilty. Still accused wants to plead guilty. The submission of accused appears to be voluntary. Therefore submission of accused is accepted. Accused pleaded guilty for the offence punishable U/Sec.279, 337 of IPC. Therefore I proceed to pass the following.

O R D ER

Acting U/Sec. 252 Cr.P.C. Accused is convicted for the offence punishable U/Sec. 279, 337, of Indian Penal Code

He is sentenced to pay a fine of Rs.1000/-, for the offence punishable U/Sec. 279 of IPC and in default he shall undergo S.I. for 3 months.

Further the accused is sentenced to pay a fine of Rs.500/- for the offence punishable U/Sec. 337 of IPC, in default he shall undergo S.I. for 3 months.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Police files requisition praying to add Sec.304(A) IPC in the FIR perused the record it is found the first instance FIR was lodged for the offences punishable U/Sec.279 and 338 of IPC since it is stated that injured Nagraj S/o Hanumanthraya Partapure is succumed due to injuries sustained in the accident, it is incumbent of I.O to add Sec.304(A) of IPC. Accordingly I.O permitted to add Sec.304 of IPC to conduct investigation.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Surety of accused is present.

Sri. ACT adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1250/- as penalty for his surety bond For accused. Surety voluntaries that he would pay they penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.1250/- penalty for personal bond of the accused. Thus surety is directed to pay total Rs.2500/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

Attachment warrant issued against Sy.No.131/ಅ measuring 3 acres of Kodalhangarga village is hereby recalled. Thasildar is directed not to take steps in respect of above property.

Issue intimation of the above order.

Petition is closed.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Case is taken on today's board upon an advancement application filed by defendant.

Defendant present and seeks permission to deposit amount of Rs.75,000/- as per the orders of the Hon'ble Senior Civil Judge Aland in R.A No.9/2018.

Entire records are received. Perused the order passed by the Hon'ble Senior Civil Judge Aland in R.A.No.9/2018, Wherein the court has allowed the appeal of the defendant by dismissing the suit of the plaintiff and by directing the defendant to repay Rs.75,000/-.

Now the defendant is before the court and seeking permission to deposit Rs.75,000/-. Therefore, defendant is permitted to deposit Rs.75,000/- before this court.

Office is directed to collect the same.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused Annaray is reported to be dead. Son Annayray by name Bheemashanker is present.

Sri. SSC adv. files memo stating that son surety Bheemashnaker is ready to pay forfeited amount. It is seen that on 13.04.2015 the court has passed an order directing the surety to pay Rs.2500/- in respect of forfeited bond amount. But surety had filed to pay the said amount. Now surety is dead and his son is ready to pay same amount. Therefore Bheemashankar is directed to pay Rs.2500/- in respect of forfeited bond amount.

Order of attachment issued against the property bearing Sy.No.254/1C measuring 2 acre 29 guntas situated at Duttaragaov viilage, Tq: Aland is hereby recalled.

Issue intimation of the above order to tahasaildar Aland.

Bond amount is recovered. Petition closed.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused No.1 and 2 is present.

Sri. RJP adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his surety bond For accused No.1 and 2. Surety voluntaries that he would pay they penalty for personal bond of accused No.1 and 2 also. Hence surety is order to pay penalty of Rs.1000/- penalty for personal bond of the accused No.1 and 2. Thus surety is directed to pay total Rs.2000/- as penalty.

Since surety bond and personal bond of the surety and accused No.1 and 2 is recovered, the surety is discharged.

Accused No.2 present. RJP files bail application U/Sec.437 of Cr.P.C.

++++++++++++++++++++++++No fresh surety offered. Hence accused is sent to J.C till

Call on.19.02.2019.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Perused the order sheet. The offences punishable U/sec.138 of N.I Act. The said offences are triable by this court and summons-case. Cognizance of offence has been taken and summons issued to accused. Since the date of summons, the presence of accused could not be secured. Thereby I am of the view that complainant has utterly failed to trace out the accused. Further in view of Law lay down and reported in *ILR-1994-Karnataka-page-No-3308,* the above case proceedings has been stopped, as per the section-258, of Cr.P.C. Further the prosecution is at liberty to move an application after trace out the accused. Accordingly above C.C. disposed off.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused is present.

Sri. ACT adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2500/- as penalty for his surety bond For accused. Surety voluntaries that he would pay they penalty for personal bond of accused also.

Hence surety is order to pay penalty of Rs.2500/- penalty for personal bond of the accused. Thus surety is directed to pay total Rs.5000/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

Accused present. No fresh surety offered. Hence accused is sent to J.C till

Call on.19.02.2019.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Conviction warrant executed.

Accused produced before the court through H.C No.520 and P.C.No.244 of Madhan Hippara PS.

This court has pass an order of conviction against the accused. The appellate court has confirmed the order of conviction of this court by dismissing the criminal appeal filed by the accused in criminal appeal No.34/2014.

Accused has not produced any bail order from appellate court. Therefore accused is sent to judicial custody to serve the sentence.

ADDL.CIVIL JUDGE & JMFC
ALAND

Reissue notice to respondent.

Call on.16.02.2019

ADDL.CIVIL JUDGE & JMFC,
ALAND

Conviction warrant executed.

Accused produced before the court through H.C No.520 and P.C.No.244 of Madhan Hippara PS.

This court has pass an order of conviction against the accused. The appellate court has confirmed the order of conviction of this court by dismissing the criminal appeal filed by the accused in criminal appeal No.34/2014.

Accused has not produced any bail order from appellate court. Therefore accused is sent to judicial custody to serve the sentence.

ADDL.CIVIL JUDGE & JMFC
ALAND

Conviction warrant executed.

Accused present.

Complainant present.

Complainant is identified by his counsel.

Complainant submits that accused has paid him Rs.1,80,000/- in cash today.

Conviction against the accused was passed directing him to pay Rs.3,50,000/-in favour of complainant. Accused is already deposited Rs.1,80,000/- before the court. Therefore office is directed to release Rs.1,70,000/- in favour of complainant and Rs.10,000/- to be remitted to the state.

Accused has paid the entire amount.

Hence he is set at liberty.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Accused not produced from J.C.

Police files R/E.

Heard. J.C of accused is extended till 12.02.2019.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Police files requisition praying to add Sec.304(A) IPC in the FIR perused the record it is found the first instance FIR was lodged for the offences punishable U/Sec.279 and 338 of IPC since it is stated that injured Aliya Begaum W/o Ismaile Mulla is succumed due to injuries sustained in the accident, it is incumbent of I.O to add Sec.304(A) of IPC. Accordingly I.O permitted to add Sec.304 of IPC to conduct investigation.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Police files requisition praying to add Sec.304(A) IPC in the FIR perused the record it is found the first instance FIR was lodged for the offences punishable U/Sec.279 and 338 of IPC since it is stated that injured Chandrakanth S/o Kashappa Pujari is succumed due to injuries sustained in the accident, it is incumbent of I.O to add Sec.304(A) of IPC. Accordingly I.O permitted to add Sec.304 of IPC to conduct investigation.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Surety of accused is present.

Sri. ACT adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2500/- as penalty for his surety bond For accused. Surety voluntaries that he would pay they penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.2500/- penalty for personal bond of the accused. Thus surety is directed to pay total Rs.5000/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

For orders.

Call on.05.11.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

BAD files I.A U/O 16 Rule 1 and 2 CPC. PNS submits no objections.

Heard. In the interest of Justice, I.A is allowed.

Issue W.S to Siddram Govt. Taluka Surveyor.

Call on.10.12.2018

ADDL.CIVIL JUDGE & JMFC,
ALAND

Accused reported as dead. Police are filed copy of death certificate. In view of death of accused case is abated.

Sample bottles are order to be destroyed.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Crl.Misc.No.153/2017

Adv. for petitioner files memo stating that matter is settled out of the court.

Hence petitioner does not want to press the petition.

In view of memo petition is dismissed as not pressed.

ADDL. CIVIL JUDGE & JMFC,

ALAND

Case is taken on todays board.

APP files application U/Sec.321 Cr.P.C.

Heard. For orders.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

FIR No.345/2018

Cr.No.109/2018

Case is taken on today's board on an advancement application.

Accused No.1 and 2 are present.

BGB files power for Accused No.1 and 2 along with C.C of order of Hon'ble V Additional Sessions Judge Kalaburagi in Crl.Misc.No.1216/2018 dated 23.08.2018 where in the Hon'ble Court as allowed the bail petition filed by accused No.1 and 2 U/Sec.438 of Cr.P.C.

BGB also files bail application U/Sec.437 of Cr.P.C.

For objections

Call later.

ADDL. CIVIL JUDGE & JMFC,

ALAND

BSN files memo stating that matter is settled out of court and complainant does not want to press the complaint.

In view of memo complaint is dismissed as not pressed.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety is present.

Accused is in J.C.

Sri. BGB adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his surety bond. Surety voluntaries that he would pay the penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.1000/- for personal bond of the accused. Thus surety is directed to pay total Rs.2000/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged. Petition is closed.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused No.1 and 2 are present.

Sri. RJP adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.500/- as penalty for his surety bond For accused No.1 and 2 each. Surety voluntaries that he would pay they penalty for personal bond of accused No.1 and 2 also. Hence surety is order to pay penalty of Rs.500/- penalty for personal bond of the accused No.1 and 2 each. Thus surety is directed to pay total Rs.2000/- as penalty.

Since surety bond and personal bond of the surety and accused No.1 and 2 is recovered, the surety is discharged.

++++++++++++++++++++++

Call on.28.08.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused No.1 is present.

Sri. SDB adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2500/-

as penalty for his surety bond. Surety voluntaries that he would pay they penalty for personal bond of accused No.1 also. Hence surety is order to pay penalty of Rs.2500/- penalty for personal bond of the accused No.1. Thus surety is directed to pay total Rs.5000/- as penalty.

Since surety bond and personal bond of the surety and accused No.1 is recovered, the surety is discharged.

Reissue NBW to A-1 through SP Kalaburagi.

Call on.28.08.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

FIR.No.8/2017

Case called out.

Perused the final report carefully and no reasons are found to reject the C report submitted by the Police. Therefore the C report submitted by the police is accepted and the case is closed for the time being.

Addl. Civil Judge & JMFC,
Aland.

FIR.No.341/2017

Case called out.

Perused the final report carefully and no reasons are found to reject the C report submitted by the Police. The C report submitted by the police is accepted and the case is closed for the time being.

Addl. Civil Judge & JMFC,
Aland.

FIR.No.385/2017

Case called out.

Perused the final report carefully and no reasons are found to reject the C report submitted by the Police. The C report submitted by the police is accepted and the case is closed for the time being.

Addl. Civil Judge & JMFC,
Aland.

FIR.No.442/2017

Case called out.

Perused the final report carefully and no reasons are found to reject the C report submitted by the Police. The C report submitted by the police is accepted and the case is closed for the time being.

Addl. Civil Judge & JMFC,
Aland.

Accused No.1 to 3 present.

Statement of accused No.1 to 3 is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against them are read over, explained and made known to them in the language known to them. They denied the same in toto and submitted that they do not have any evidence to lead.

For arguments.

Call on

PRL.CIVIL JUDGE & JMFC,
ALAND

Surety of accused is present.

Sri. SSC adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.4000/- as penalty for his surety bond. Surety voluntaries that he would pay they penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.4000/- penalty for personal bond of the accused. Thus surety is directed to pay total Rs.8000/- as penalty.

Since surety bond and personal bond of the surety and accused is recovered, the surety is discharged.

NBW against surety is recalled.

Call on.08.08.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

Police files requisition praying to add Sec.304(A) IPC in the FIR perused the record it is found the first instance FIR was lodged for the offences punishable U/Sec.279 and 338 of IPC since it is stated that injured Shant Kumar S/O Gurumurthayya is succumed due to injuries sustained in the accident it is incumbent of I.O to add Sec.304(A) of IPC according I.O permitted to add Sec.304 of IPC to conduct investigation.

ADDL.CIVIL JUDGE & JMFC
ALAND

BVK files adv. Advancement application and application to amend the name of husband of petitioner as Basanna Haddpad. Since it is only a typographical error, application is allowed. Petitioner is permitted to substitute the name of husband of petitioner as Basanna Haddpad. Amendment carried out. Amended petition filed. Issue notice to R-1 to R-3 and paper citation.

Call on.18.08.2018

ADDL.CIVIL JUDGE & JMFC
ALAND

A-2 and 3 are present. A-1 absent.

Surety of accused No.1 is present.

Sri. SDB adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2500/- as penalty for his surety bond. Surety voluntaries that he would pay they penalty for personal bond of accused No.1 also. Hence surety is order to pay penalty of Rs.2500/- penalty for personal bond of the accused No.1. Thus surety is directed to pay total Rs.5000/- as penalty.

Since surety bond and personal bond of the surety and accused No.1 is recovered, the surety is discharged.

Call on.10.09.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused No.1 and 2 is present.

Sri.ACT adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.750/- as penalty for his personal bond for accused No.1 and 2 each. Surety voluntaries that he would pay they penalty for personal bond of accused No.1 and 2 also. Hence surety is order to pay penalty of Rs.750/- each penalty for surety bond of the accused No.1 and 2. Thus surety is directed to pay total Rs.3000/- as penalty.

Since surety bond and personal bond of the surety is recovered, the surety is discharged.

For orders.

Call on.03.08.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

A-2 present. A-1 absent.

Surety of accused No.1 is present.

Sri.RLK adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.2500/- as penalty for his personal bond. Surety voluntaries that he would pay they penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.2500/- penalty for surety bond of the accused. Thus surety is directed to pay total Rs.5000/- as penalty.

Since surety bond and personal bond of the surety is recovered, the surety is discharged.

Call on.30.08.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

Surety of accused is present.

Sri.DSN adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his personal bond. Surety voluntaries that he would pay they penalty for personal bond of accused also. Hence surety is order to pay penalty of Rs.1000/- penalty for surety bond of the accused. Thus surety is directed to pay total Rs.2000/- as penalty.

Since surety bond and personal bond of the surety is recovered, the surety is discharged.

Evidence U/Sec.299 Cr.P.C is completed. abated

For orders.

Call on.03.08.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

C.C..No.240/2018

Police have filed charge sheet against the accused who is said to be succumbed in the accident due to his own negligence. Therefore the case stands abated. Accordingly the case is closed.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Police have filed charge sheet against the accused who is said to be succumbed in the accident due to his own negligence. Therefore the case stands abated. Accordingly the case is closed.

I/C PRL.CIVIL JUDGE & JMFC
ALAND

Police have filed charge sheet against the accused who is said to be died during the course of investigation. Therefore the case stands abated. Accordingly the case is closed.

PRL.CIVIL JUDGE & JMFC
ALAND

Police have filed charge sheet against the accused who is said to be died during the court of investigation. Therefore the case stands abated. Accordingly the case is closed.

ADDL.CIVIL JUDGE & JMFC
ALAND

Police have filed charge sheet against the accused who is said to be succumbed in the accident due to his own negligence. Therefore the case stands abated. Accordingly the case is closed.

ADDL.CIVIL JUDGE & JMFC
ALAND

Case is taken on board on an advancement application.

Smt.G.V.Hattaraki files application to add proposed respondents to the petition. In the application it is stated that by over sight, all the family members shown in family tree have not been arrayed as respondents. Hence the petitioner as filed the application to add proposed respondent.

Heard. Since it is stated that by over sight the proposed respondent is not added, the application deserves to be allowed. Accordingly application is allowed. Petitioner is permitted to amend the petition.

Amendment carried out. Amended petition filed.

For evidence.

Call on.07.07.2018.

I/C PRL. CIVIL JUDGE & JMFC,

ALAND

Surety of A-2 is present.

Sri.BGB adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his personal bond and Rs.1000/- penalty for surety bond of the accused. Thus surety is directed to pay total Rs.2000/- as penalty.

Since surety bond and personal bond of the surety is recovered, the surety is discharged.

Issue W/S to CW-1, 10, 11, 12 and Rajendra H.C.

Call on.11.07.2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

Surety of A-3 is present.

Sri.UKI adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the surety. Looking into the financial conditions of the surety and taking a lenient view upon him, he is ordered to pay Rs.625/- as penalty for his personal bond and Rs.625/- penalty for surety bond of the accused. Thus surety is directed to pay total Rs.1250/- as penalty.

Since surety bond and personal bond of the surety is recovered, the petition stands closed.

ADDL. CIVIL JUDGE & JMFC,

ALAND

Complainant is present. Sworn statement is recorded. Perused the materials available on record. Heard.

For orders.

The complainant has filed the private complete alleging that the accused has issued a cheque for legally recoverable debt. In support of her case, she has produced the cheque, which is returned as insufficient funds. She has also complied with the statutory notice. The notice said to be returned un served. The complaint is in time. Looking into the facts and circumstances, I am of the opinion that the complainant as made out sufficient grounds to proceed with the case against the accused. Accordingly I pass the following.

ORDER

Office is directed to registrar C.C against the accused for the offence punishable U/Sec.138 of NI Act.

Issue summons to accused

returnable by 18.06.2018

ADDL. CIVIL JUDGE & JMFC,

ALAND

Accused present before the court. In this case since accused did not appear before the court, bail and bail bonds of the accused were forfeited. The court had also issued notice to surety and split-up charge sheet was also filed against him. Today the case is posted for issuing attachment warrant.

Sri.MVE adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the accused. The accused has been absconded after getting bail. He has not obeyed the order of the court. Thus there are no grounds to take lenient view upon him, but looking into the financial conditions of the accused and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his personal bond and Rs.1000/- penalty for surety bond. Thus accused is directed to pay total Rs.2000/- as penalty.

MVE also files application U/Sec.436 of Cr.P.C. for release of accused on bail for the offences punishable U/Sec.447, 427, 504, 506, 109 R/W 149 of IPC.

Perused the records. The offences alleged against the Accused are bailable in nature. Hence, I proceed to pass the following:

Case is taken on today's board on advancement application.

Accused present before the court. In this case since accused did not appear before the court, bail and bail bonds of the accused were forfeited. The court had also issued notice to surety and split-up charge sheet was also filed against him. Now the stage is issuing proclamation.

Sri.ACT adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the accused. The accused has been absconded after getting bail. He has not obeyed the order of the court. Thus there are no grounds to take lenient view upon him, but looking into the financial conditions of the accused and taking a lenient view upon him, he is ordered to pay Rs.1000/- penalty for his personal bond and Rs.1000/- penalty for surety bond. Thus accused is directed to pay total Rs.2000/- as penalty.

Surety of the accused is hereby discharged.

ACT also files bail application U/Sec.437 of Cr.P.C. APP files objections. Heard. For orders.

Accused present before the court. In this case since accused did not appear before the court, bail and bail bonds of the accused were forfeited. The court had also issued notice to surety and split-up charge sheet was also filed against him. Today the case is posted for issuing attachment warrant.

Sri.MVE adv. files application U/Sec.446 of Cr.P.C. and prays to take lenient view on the accused. The accused has been absconded after getting bail. He has not obeyed the order of the court. Thus there are no grounds to take lenient view upon him, but looking into the financial conditions of the accused and taking a lenient view upon him, he is ordered to pay Rs.1000/- as penalty for his personal bond and Rs.1000/- penalty for surety bond. Thus accused is directed to pay total Rs.2000/- as penalty.

MVE also files application U/Sec.436 of Cr.P.C. for release of accused on bail for the offences punishable U/Sec.447, 427, 504, 506, 109 R/W 149 of IPC.

Perused the records. The offences alleged against the Accused are bailable in nature. Hence, I proceed to pass the following:

O R D E R

The Bail Application filed by the Accused U/Sec.436 of Cr.P.C. is hereby allowed.

Accused is enlarged on bail on executing his personal bond for Rs.50,000/- with one Surety for the like-sum.

Surety by name Basavaraj S/o Kadappa, Age: 46 years, Occ: Agriculture, R/o Gunjbabalad village, Tq: Aland, Dist. Kalburgi is present and filed his affidavit and declaration. He also produced her photograph, copy of Adhar I.D. Card and RTC extract of land bearing Sy.No.18/U measuring 03 acres 21 guntas situated at Gunjbablad village. He submits that he is ready to stand as surety to the accused.

Perused the RTC Extract and enquired the Surety. Satisfied and accepted.

Office is directed to take bonds.

Office is directed to put up the entire file of C.C.No.515/2009 with this file.

NBW issued against the accused is hereby recalled.

Call on. 11-05-2018.

ADDL. CIVIL JUDGE & JMFC,

ALAND

EP is closed as fully satisfied.

ADDL.CIVIL JUDGE & JMFC
ALAND

The suit is restored by the order of this court in Misc.No.4/2017 dated 05.03.2018.

In the order it was specifically mentioned that the suit has to be restored on 05.04.2018. But the office has sent this file today that is on 07.04.2018.

Plaintiff present. Defendants absent. Hence notice of restoration and suit summons has to be sent to defendants.

Issue suit summons to defendants

Call on.28.04.2018.

ADDL.CIVIL JUDGE & JMFC
ALAND

The split-up case is against the accused. On 20.11.2017 NBW to accused and notice to surety was issued. Surety was before the court and submitted that he would seccure the presence of the accused. On the next date of hearing that is on 19.03.2018. Surety was absent. Accused was also absent. Hence surety bond stands forfeited. Hence this court has issued NBW against surety.

Surety is produced before me on this 7th day of April-2018 before the open court through P.C.No.190 and P.C.No.790 of Narona P.S.

Surety submits that

For orders on preliminary issue.

Call on 29.05.2018.

ADDL.CIVIL JUDGE & JMFC
ALAND

Counsel for defendant submits that there is a preliminary issue in this case and that has to be answered before going for trial. Hence, I have heard both counsels on preliminary issue.

For orders on preliminary issue.
Call on 29.05.2018.

ADDL.CIVIL JUDGE & JMFC
ALAND

The case is taken on today's board on an advancement application.

Counsel for Defendant files I.A. U/O.41 Rule5 CPC. Application is accompanied by an affidavit. In the affidavit, the defendant affirms that he would file an appeal against the order of this Court dated: 05.04.2018 passed in I.A. U/O.39 Rule 1 & 2 CPC and prayed this court to stay the operation of the order dated: 05.04.2018.

The counsel for plaintiff files objections.

Heard BAD and MVE.

Perused I.A, affidavit and Objections.

In the objections plaintiff states that there was an ex-parte order of injunction, the same was being extended time to time. The court has heard both the parties and passed an order on merits. Thus there is no scope for defendant to invoke Order 41 Rule5 of CPC.

Order 41 Rule 5 CPC is very clear that it has to be invoked after the disposal of the I.A. on merit, if the aggrieved party opts to file an appeal against the order. Therefore the objection that as the order is passed on merits, order 41 Rule 5 of CPC cannot be invoked, does not sustain.

Even though there is no executable order on I.A.No.39 Rule 1 and 2 CPC, since the defendant is opting to file an appeal against the order, this court is incumbent to give an opportunity to the defendant to file an appeal. Order 41 Rule 5 CPC is clear that if application does not suffer from inordinate delay, stay can be granted. Since the application is filed on the next day of the order, there is no question of delay. Accordingly I proceed to pass the following:

ORDER

The operation of the order dated: 05.04.2018 passed in I.A. U/O. 39 Rule 1 & 2 CPC is hereby stayed till the appeal period is over.

ADDL.CIVIL JUDGE & JMFC
ALAND

AGP files I.A.s U/Sec151 of CPC to reopen the case of plaintiff and to recall PW-1 for cross examination.

BAD submits no objection. Heard in the interest of justice I.A are allowed.

The case of plaintiff reopened. PW-1 is recalled.

PW-1 present. AGP prays time.

For cross examination of PW-1.

Call on.11.04.2018

ADDL.CIVIL JUDGE & JMFC
ALAND

Police have filed charge sheet. against the accused who is said to be succumbed in the accident due to his own negligence. Therefore the case stands abated. Accordingly the case is closed.

ADDL.CIVIL JUDGE & JMFC
ALAND

AGP prays time.

Perused ordersheet. Sufficient opportunities granted to defendants, but they have failed to lead evidence. Hence prayer of APP is rejected. Defendant's evidence is taken as nil.

For arguments

Call on.21.03.2018

ADDL.CIVIL JUDGE & JMFC
ALAND

Surety by name Channabasappa S/o Hanumantha is present. His surety amount and bond amount were forfeited. NBW was issued against him. He submits that he is ready to pay penalty for forfeiture of his surety to A-1, 3 and 5. He also submits to take lenient view.

Considering the facts and circumstance of the case, NBW issued against surety is recalled. He is directed to pay penalty of Rs.2000/- each for forfeiture of surety and bond amount of A-1, 3 and 5. Thus surety is discharged.

ADDL.CIVIL JUDGE & JMFC
ALAND

NBW to respondent no.2 is returned un served. Perused order sheet. It is seen that is present and submits that he is ready to pay the penalty. He further submits to take a lenient view.

Perused the order sheet. Surety is reported to be dead. All other respondents have paid penalty of Rs.500/- each upon forfeiture of their bonds.

Hence the respondent no.6 is directed to pay penalty of Rs.500/-.

The father of respondent pays Rs.500/- on forfeiture of bond amount of respondent no.6. Bond amount of other respondents have already been recovered. Therefore the petition deserves to be closed. Accordingly I pass the following.

ORDER

The petition is hereby closed.

ADDL.CIVIL JUDGE & JMFC
ALAND

Case called out.

None present. Call after some time. Case again called out at 4:25 p.m. Sri.KPT adv. Prays time to take steps. Complainant is absent. Perused order sheet. Sufficient opportunities have been given to the complainant to take steps against the accused. In spite of giving sufficient opportunities complainant has failed to appear before the court and to take steps. Hence, the complainant has made out no ground to adjourn the matter.

By the conduct of the complainant it is seen that he is not interested to proceed with the matter. Hence, the complaint deserves to be dismissed. Accordingly I pass the following;

ORDER

The complaint is hereby dismissed for default.

ADDL.CIVIL JUDGE & JMFC
ALAND

Case called out.

None present. Call after some time. Case again called out at 4:20 p.m. Sri.UKI adv. Prays time to lead evidence of plaintiff. Plaintiff absent. Perused order sheet. Sufficient opportunities have been given to the plaintiff to lead evidence. In spite of giving sufficient opportunities plaintiff has failed to appear before the court and to lead evidence. Hence, the plaintiff has made out no ground to adjourn the matter.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC
ALAND

O.S.No.6/2016

Case called out.

None present. Call after some time. Case again called out at 4:10 p.m. Sri.BSN adv. Prays time to lead evidence of plaintiff. Plaintiff absent. Perused order sheet. Sufficient opportunities have been given to the plaintiff to lead evidence. In spite of giving sufficient opportunities plaintiff has failed to appear before the court and to lead evidence. Hence, the plaintiff has made out no ground to adjourn the matter.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the

matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

None present. Call after some time. Case again called out at 3:10 p.m. Sri.PVA adv. Prays time to lead further evidence of plaintiff. Perused order sheet. Sufficient opportunities have been given to the plaintiffs to lead further evidence. In spite of giving sufficient opportunities plaintiffs have failed to appear before the court and to lead further evidence. Hence, the plaintiffs have made out no ground to adjourn the matter.

By the conduct of the plaintiffs it is seen that they are not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Father of respondent no.6 is present and submits that he is ready to pay the penalty. He further submits to take a lenient view.

Perused the order sheet. Surety is reported to be dead. All other respondents have paid penalty of Rs.500/- each upon forfeiture of their bonds.

Hence the respondent no.6 is directed to pay penalty of Rs.500/-.

The father of respondent pays Rs.500/- on forfeiture of bond amount of respondent no.6. Bond amount of other respondents have already been recovered. Therefore the petition deserves to be closed. Accordingly I pass the following.

ORDER

The petition is hereby closed.

ADDL.CIVIL JUDGE & JMFC
ALAND

The FIR filed against the accused U/Sec.366(A), 506 of IPC. Later police files requisition for addition of offence punishable U/Sec.376, 2(n) IPC and U/Sec.4 and 6 of POCSO Act. In the requisition it is submitted that the father of the victim has given first information stating that her daughter was kidnapped by the accused. Police have secured the victim, in the enquiry, the victim has given a statement that she was sexually assaulted by the accused. Since the victim is minor, the police have requested to add section 4 and 6 of POCSO Act.

The perusal of FIR and requisition would suffice that the victim is minor and she is stated to be given a statement against the accused about the sexual assault . Therefore the police is permitted to add Sec.U/Sec.376, 2(n) IPC and U/Sec.4 and 6 of POCSO Act.

Since Sec.4 and 6 of POSCO Act is ordered to be added in the FIR, the FIR has to sent to the special court for POCSO Act. Therefore FIR is transferred to the Hon'ble 2nd Additional Dist and Sessions Judge Kalaburagi.

Office is directed to send FIR, FIS and other documents to the Hon'ble 2nd Additional Dist and Sessions Judge Kalaburagi forthwith.

ADDL.CIVIL JUDGE & JMFC
ALAND

Plaintiff has filed an application U/O. 6 Rule 17 of Code of Civil Procedure. Along with the application he has filed affidavit contending that due to oversight the description of the properties have been wrongly mentioned. Hence he has filed this I.A. to correct mis-description of properties. He has also narrated and the amendment is also sought for explanation of some facts which is already been pleaded.

The Advocate for defendants No.3 to 6 who are the contesting defendants submits no objection to allow the application.

Heard both parties. Perused I.A. and material available on record.

It is averred that the plaintiff is amending the description of the properties as it is wrongly mentioned due to oversight. The description of the properties do not come under the purview of law of amendment. Therefore the strict law of amendment cannot be embedded. It is also averred that the plaintiff is explaining some of the facts which are already been narrated in the original plaint. The explanation of facts would not create a new set of cause of action or the nature of the suit will not be changed.

Since, the proposed amendment is due to wrong mentioning of description of the property, which does not change the nature of

the suit and also the cause of action. Moreover by allowing this application no harm will be caused to the defendants. Therefore, I am of the opinion that I.A. filed by the plaintiff deserves to be allowed. Accordingly I pass the following:

ORDER

I.A. filed by the plaintiff U/O 6 Rule 17 of Code of Civil Procedure is hereby allowed on cost of Rs:500/-

Plaintiff is permitted to amend the plaint as per I.A.

To carryout amendment and to furnish amendment plaint.

Call on 06.03.2018.

ADDL.CIVIL JUDGE & JMFC
ALAND

Plaintiff has filed an application U/O. 6 Rule 17 of Code of Civil Procedure. Along with the application he has filed affidavit contending that due to oversight the description of the properties have been wrongly mentioned. Hence he has filed this I.A. to correct mis-description of properties. He has also narrated and the amendment is also sought for explanation of some facts which is already been pleaded.

The Advocate for defendants No.3 to 6 who are the contesting defendants submits no objection to allow the application.

Heard both parties. Perused I.A. and material available on record.

It is averred that the plaintiff is amending the description of the properties as it is wrongly mentioned due to oversight. The description of the properties do not come under the purview of law of amendment. Therefore the strict law of amendment cannot be embedded. It is also averred that the plaintiff is explaining some of the facts which are already been narrated in the original

plaint. The explanation of facts would not create a new set of cause of action or the nature of the suit will not be changed.

Since, the proposed amendment is due to wrong mentioning of description of the property, which does not change the nature of the suit and also the cause of action. Moreover by allowing this application no harm will be caused to the defendants. Therefore, I am of the opinion that I.A. filed by the plaintiff deserves to be allowed. Accordingly I pass the following:

ORDER

I.A. filed by the plaintiff U/O 6 Rule 17 of Code of Civil Procedure is hereby allowed on cost of Rs:500/-

Plaintiff is permitted to amend the plaint as per I.A.

To carryout amendment and to furnish amendment plaint.

Call on 06.03.2018.

ADDL.CIVIL JUDGE & JMFC
ALAND

Accused No.1 to 4 are present.

The learned APP has filed application U/Sec.216 Cr.P.C. for alteration of charge.

In the application he contents that the charge framed against accused No.1 to 4 for offences punishable U/Sec.468, 420, 465 R/W 34 IPC. Wherein the accused persons have made criminal conspiracy to commit the above offences. While framing charge, this court has not framed charge for the offence punishable U/Sec.120B of IPC. Hence prayed to frame additional charge.

I have heard learned counsel for accused and APP.

The learned counsel for accused submits that the prosecution evidence has already been closed. The evidence has not been led by the prosecution for the offence U/Sec.120B IPC. If the charge is altered, again a fresh evidence has to be led by the prosecution. Hence application can not be allowed.

It is true that prosecution has closed its evidence. The prosecution is only seeking for

alteration of charge, it does not mean that again some more evidence will be led. Moreover looking into the facts circumstance of the case, it is seen that accused No.1 to 4 have primafeice colluded together to commit certain offences. Hence the charge U/Sec.120B has to framed. Under these circumstance I am of the opinion that application filed by APP deserves to be allowed. Accordingly I pass the following.

ORDER

Application filed U/Sec.216 Cr.P.C is hereby allowed.

Charge is framed against accused No.1 to 4 for the offence punishable U/Sec.120B of IPC. Accused No.1 to 4 denied the charge against them and claimed to be tried.

For arguments

Call on.07.03.2018

ADDL.CIVIL JUDGE & JMFC,
ALAND

The case is taken on today's board on an advancement application.

JNH furnishes certified copy of order of the Hon'ble Senior Civil Judge, Aland in R.A. No.01/2016, wherein the Senior Civil Judge has stayed the operation of Judgment and

Decree passed by this Court in O.S. No. 129/2004. Therefore, it is deemed that FDP proceedings has been stayed by the Senior Civil Judge, Aland in R.A. No.01/2016.

This Court has issued Commissioner Warrant to divide the properties. In view of the above order the Commissioner Warrant cannot be executed.

Office is directed not to issue Commissioner Warrant.

Await orders.
Call on : 28.04.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

This E.P. is filed in order to execute the decree passed in O.S.No.170/2014. The suit was filed for declaration of title and mandatory injunction. It was decreed that the lane existing in between the house of plaintiff and defendant as common lane. It was also directed to the defendants to remove the materials put up by them over the suit common lane.

The notice of E.P. has been served to JDr. JDRs have appeared through their advocate. Even though, sufficient opportunities have been given, they have failed to file their objections. Therefore, it is clear that the JDRs have not preferred an appeal and there is no stay to execute the decree. Accordingly, I pass the following;

ORDER

Issue warrant against JDRs to remove the materials in suit common lane.

Bailiff is directed to remove the materials put by defendants/JDRs in the suit common lane.

Call on 13.03.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND
C.C.No.143/2017

ORDERS ON APPLICATION UNDER SECTION 91 OF CR.PC.

The accused Nos.3 and 6 have filed the above application seeking direction from this court to direct S.P. Kalaburagi and airtel authorities to furnish call records and location of mobile numbers of 9902660189 and 9945220346.

The accused Nos. 3 to 6 in the application claims that they have been falsely implicated in this case they were not at the spot at the time of alleged incident. If the location of mobile numbers stated above and call records for the above stated mobiles. On 01.11.2016 from 9:00 p.m. to 9:30 p.m. is called for, it will be established that the accused Nos. 3 and 6 were not present at spot at the time of alleged incident. It is also contended in the

application that accused Nos.3 and 6 have approached airtel office but they have directed to them to get orders from the court.

The learned has filed his objections to the application. He has contended that IO has investigated the matter and found that accused Nos.3 to 6 have also committed offence alleged against him. Moreover, accused Nos.3 to 6 have also not given any documents to IO to show that they were not present at the time of alleged incident. Therefore, the application is not sustainable and prayed to reject the application.

Heard both counsels. Perused the materials available on record, application and objections. After the perusal, the following points arose for my determination.

1. Whether the accused has made out grounds to allow the application U/Sec. 91 of Cr.P.C.?
2. What order?

My findings to the above Points are as under:

POINT NO.1: In the Affirmative.
POINT NO.2: As per final order,

For the following: -

R E A S O N S

POINT NO.1: The accused Nos.3 and 6 claim that they were not in the spot when the alleged incident has been taken place. Therefore, it is clear that they are taking a defence taking a plea of alibi. The plea of alibi has to be proved by accused by leading evidence. The plea of alibi cannot be said to be proved by furnishing some documents.

Now the stage of the case is "Hearing before charge". At this stage, the accused has to convince the court that no grounds have been made out against him to frame charge. It is also to be noted that no documents produced by the accused at this stage cannot be considered by the court.

Accused Nos.3 to 6 seek issue direction to airtel authorities calling for their call records and location of mobile numbers, even though the location and call records of accused Nos.3 and 6 are stated to be not in the spot at the time of alleged incident on these ground accused Nos.3 and 6 cannot be said that they were not present at the spot at the time of alleged incident.

At this juncture, whether Section 91 of Cr.PC enables an accused to call for records has to be seen. Therefore, I would like to Section 91 of Cr.PC which reads thus;

> **Summons to produce document or other thing. – (1) Whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.**

The above Section clearly say that a document has to be summoned when any court or any officer incharge of the police station considers with necessary for enquiry investigation or trial of the case. The provision does not give any right to an accused to seek for calling of records from the hands of the court.

As I have already stated that the court has not inclined or considered that the above documents are necessary for the purpose of trial of the caes and the investigating officer has also not considered it to be necessary for investigation of the case, the accused has no right to ask for calling of records.

To further clarify the above opinion I would like to rely upon judgment rendered by the Hon'ble Apex Court.

ADDL.CIVIL JUDGE & JMFC,
ALAND

This E.P. is filed in order to execute the decree passed in O.S.No.170/2014. The suit was filed for declaration of title and mandatory injunction. It was decreed that the lane existing in between the house of plaintiff and defendant as common lane. It was also directed to the defendants to remove the materials put up by them over the suit common lane.

The notice of E.P. has been served to JDr. JDRs have appeared through their advocate. Even though, sufficient opportunities have been given, they have failed to file their objections. Therefore, it is clear that the JDRs have not preferred an appeal and there is no stay to execute the decree. Accordingly, I pass the following;

ORDER

Issue warrant against JDRs to remove the materials in suit common lane.

Bailiff is directed to remove the materials put by defendants/JDRs in the suit common lane.

Call on 13.03.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

OS. No 68/2016

DSN files IA under order IX Rule9 Code of Civil Procedure praying this court to recall the order of dismissal of the suit against defendant No 2.

Along with IA the plaintiff has filed an affidavit stating that the delay caused in taking steps against the defendant No. 2 is not intentional and it was for bonafide reasons. if the IA is not allowed he will be put to great hardship and prayed this court to allowed the IA and restore the suit against Defendant No 2.

Heard. Perused I.A and order sheet.

Upon perusal, it is seen that the several opportunities have been given to the plaintiffs to take steps against defendant No2 but he has failed to dos so. Hence this court has dismissed the suit against defendant No 2 on 4-11-2017. Today the plaintiff has come up with this application for restoration. Even

though this court felt that the grounds urged in the affidavit are not sufficient to allow the application, looking into the facts and circumstances of the case, that the suit is one for declaration of tittle and for permanent injunction against the defendants, I feel it necessary to allow the IA and restore the case against defendant No 2. Accordingly I pass the following

ORDER

IA filed by the plaintiff U/o IX Rule 9 of Code of Civil Procedure is hereby allowed.

The suit against the defendant NO 2 is hereby restored.

Addl. Civil Judge, Aland.

O.S. No 68/2016

Sri. DSN Advocate also files I.A. under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendant by way of paper publication.

Perused the order sheet. Plaintiff has taken steps through court as well as by RPAD. Summons to defendant No 2 returned - unserved. Thus it is clear that D2 is evading the service of summons. Hence I feel it necessary to allow the application. Accordingly I pass the following

ORDER

I.A. filed by plaintiff U/O 5 Rule 20 of Code of Civil Procedure is hereby allowed.

Plaintiff is permitted to take paper publication.

Issue suit summons to Defendant No 2 by way of paper publication in Udayavani Kannada Daily News paper if citation is furnished and PF paid.

Call on 28-02-2018.

Addl. Civil Judge, Aland.

Misc. No.5/2015

Petitioner is present. Respondent is absent.

Advocate for petitioner submits that PSI Nimbarga police stating is not assisting him to execute the order even though, this court has passed an order of police protection in order to execute the decree. On the previous date of

hearing, the learned counsel for the petitioner has made the same submission. The Court has called Court PC of Nimbarga police station and informed him that to give intimation to his PSI to take suitable action according to the order passed by this court.

The counsel for the petitioner has also submitted that even though Court PC of Nimbarga police station has informed the PSI about the order of the court, PSI is neglecting and disobeying the order of the court.

Therefore, the Court of PC Nimbarga is once again called. He has submitted that PSI has told the petitioner that he will assist him in executing the decree as per the court order but as their staff were deputed for bandubast they could not go to the suit property in order to assist the execution of the decree. He has also assured that by the next date of hearing the PSI Nimbarga will assist the JDr by visiting the spot.

Keeping in mind the above submissions of court PC. No action has been taken against PSI Nimbarga.

Issue intimation of the above order and order passed on 27.10.2017.

Call on: 03.03.2018

ADDL.CIVIL JUDGE & JMFC,

E.P.No.2/2014

DHr present. Possession warrant returned has unexecuted.

I have perused the shara filed by bailiff. In the shara it is stated that when DHr,

himself and police have gone to the spot in order to execute the decree, the son of JDr. Laxmiputra and son-in-law of JDr. Peerappa were present. The warrant issued by the court was shown to the son of JDr. But, son-in-law of JDr Peerappa has obstructed to survey the property. He has also abused him and police in filthy language. The police did not take any action against him. Hence, the warrant could not be executed.

DHr is present he has also narrated the same story put forth by bailiff.

By the endorsement of bailiff, it is seen that JDr and his son-in-law Peerappa has not shown respect to the order of the court as well as to police. Under these circumstances, action has to be taken against JDr and his son-in-law. Accordingly, I pass the following;

ORDER

Issue possession warrant through CPI Aland.

CPI Aland is directed to take action against JDr or any other person who disturbs the execution of warrant.

Issue possession warrant with police help through CPI Aland.

Issue intimation of the above order to CPI Aland.

Call on 09.03.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

O.S. No.246/2013

Case called out.

None present. Call after some time. Case again called out at 3:15 p.m. None present. Call after some time. Case again called at 5:10 p.m. AWA present and prays time. Plaintiff absent. This case was posted for evidence of plaintiff on 16.02.2017. Since 16.02.2017 till today plaintiff has not appeared before the

court. Sufficient opportunities have been given to the plaintiff to lead evidence. In spite of giving sufficient opportunities plaintiff has failed to appear before the court and to lead evidence. Hence, the plaintiff has made out no

ground to adjourn the matter. Therefore, the prayer of counsel for the plaintiff is rejected.

By the conduct of the plaintiff it is seen that she is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

C.C. No.595/2011

It is seen that the Hon'ble Principal Dist and Session court has given permission to remove the name of the accused of this case from Reg. No.3 and to enter the same in long pending case register.

Therefore office is directed to remove the name of the accused from register no.3 and enter it on register no. 13.

Accordingly the case is disposed of.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Civil. Misc. No.1/2016

Case called out.

None present. Call after some time. Case again called out at 3:10 p.m. None present. Call after some time. Case again called at 5:15 p.m. Petitioner absent. This case was posted for evidence of petitioner on 15.07.2017. Since

15.07.2017 till today petitioner has not appeared before the court. Sufficient opportunities have been given to the petitioner to lead evidence. In spite of giving sufficient opportunities petitioner has failed to appear before the court and to lead evidence. Hence, the petitioner has made out no ground to adjourn the matter.

By the conduct of the petitioner it is seen that she is not interested to proceed with the matter. Hence, the petition deserves to be dismissed. Accordingly I pass the following;

ORDER

The petition is hereby dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

FDP No.10/2013

None present. Call after some time. Case again called out 3:45 p.m.

Perused order sheet. The case posted for hearing on C/R report. Even though sufficient opportunities have been given, the petitioner is not coming forward to address arguments on C/R report. Hence, no ground made out to adjourn the matter.

The conduct of the petitioner would show that he is not interested to proceed with the matter. Thus, I am of the opinion that the petition deserves to be dismissed. Accordingly, I pass the following;

ORDER

The petition is hereby dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Crl. Misc. No.757/2015

Case called out.

Petitioner absent. Respondent present.

Counsel for respondent files memo stating that matter has been settled by decree of divorce. He has also produced, copy of the order in MC No. 17/2015. Perused the copy of

the order. It is seen that senior civil Judge court as allowed the petition filed by the petitioner by the granting decree of divorce.

The counsel for respondent submits that in the mediation, it was settled that petitioner would take back all the cases filed against the respondent after the decree of divorce.
The counsel for petitioner submits that he has no intimation from the petitioner since several dates.

Under above the circumstances I feel that, as the decree of the divorce has been granted, the petitioner is not interested to pursue the matter. Therefore I feel it necessary to dismiss the petition. Accordingly I pass the following.

Order:

The petition is hereby dismissed for non-prosecution.

Addl. Civil Judge and JMFC, Aland.

Sri. B.A.D., Advocate has filed application under Section 152 of Code of Civil Procedure seeking correction in the decree with regard to the advocate's fee and costs.

The advocate for plaintiff has filed memorandum of facts along with application stating that while drawing decree advocate's fee has been wrongly mentioned as Rs.1,000/-. Whereas, it should be at Rs.9,375/-. The advocate's for plaintiff further states that as per schedule of Karnataka Civil Rules Practice, in money suits, for recovery of Rs.3,50,000/- advocate's fee arrives at Rs.9,375/-. Since there is a clerical mistake, he has sought for amendment.

As defendants are placed exparte in original proceedings and since amendment sought is only for calculation of advocate's fee, notice on IA to defendants is dispensed with.

I have gone through Rule 100 of Karnataka Civil Rules of Practice. Wherein, it is stated that if the amount claimed in the suit is more than Rs.1,00,000/-, advocate fee is calculated hereunder

Rule 100

above Rs.1,00,000/- Rs.4,125/- + 1½ % on the amount which exceeds Rs.1,00,000/- subject to a maximum of Rs.15,000/-.

The suit claim is of Rs.3,50,000/-. Hence, exceeding amount is Rs.2,50,000/-. Therefore, the fees comes at

Rs.2,50,000 X 1.5 / 100 = Rs.3,750/-

Rs.4,125 + 3,750 = Rs.7,875/-

From the above calculation, it is clear that the decree in the column of advocate fee is wrongly typed as Rs.1,000/-. Wherein, the advocate fee has been Rs.7,875/-. Therefore, it is necessary to correct the decree in column of advocate's fee as Rs.7,875/-and in the column of total costs is at Rs.31,537/-.

The counsel for the plaintiff has claimed Rs.9,375/- as advocate's fee but he has not stated under what provision he is claiming Rs.9,375/-. Therefore, I hold that the plaintiff has also wrongly calculated advocate's fee. Accordingly, I pass the following;

ORDER

IA filed by the plaintiff under Section 152 of Code of Civil Procedure is hereby partly allowed.

Office is directed to amend/correct the decree as follows;

In column of advocate's fee as Rs.7,875/- and in the column of total costs is at Rs.31,537/-.

Addl. Civil Judgen and JMFC,
Aland.

Sri. B.A.D., Advocate has filed application under Section 152 of Code of Civil Procedure seeking

correction in the decree with regard to the advocate's fee and costs.

O.S.No.245/2013

The advocate for plaintiff has filed memorandum of facts along with application stating that while drawing decree advocate's fee has been wrongly mentioned as Rs.1,000/-. Whereas, it should be at Rs.9,375/-. The advocate's for plaintiff further states that as per schedule of Karnataka Civil Rules Practice, in money suits, for recovery of Rs.3,50,000/- advocate's fee arrives at Rs.9,375/-. Since there is a clerical mistake, he has sought for amendment.

As defendants are placed exparte in original proceedings and since amendment sought is only for calculation of advocate's fee, notice on IA to defendants is dispensed with.

I have gone through Rule 100 of Karnataka Civil Rules of Practice. Wherein, it is stated that if the amount claimed in the suit is more than Rs.1,00,000/-, advocate fee is calculated hereunder

Rule 100

above Rs.1,00,000/- Rs.4,125/- + 1½ % on the amount which exceeds Rs.1,00,000/- subject to a maximum of Rs.15,000/-.

The suit claim is of Rs.3,50,000/-. Hence, exceeding amount is Rs.2,50,000/-. Therefore, the fees comes at

Rs.2,50,000 X 1.5 / 100 = Rs.3,750/-

Rs.4,125 + 3,750 = Rs.7,875/-

From the above calculation, it is clear that the decree in the column of advocate fee is wrongly typed as Rs.1,000/-. Wherein, the advocate fee has been Rs.7,875/-. Therefore, it is necessary to correct the

decree in column of advocate's fee as Rs.7,875/-and in the column of total costs is at Rs.31,537/-.

The counsel for the plaintiff has claimed Rs.9,375/- as advocate's fee but he has not stated under what provision he is claiming Rs.9,375/-. Therefore, I hold that the plaintiff has also wrongly calculated advocate's fee. Accordingly, I pass the following;

ORDER

IA filed by the plaintiff under Section 152 of Code of Civil Procedure is hereby partly allowed.

Office is directed to amend/correct the decree as follows;

In column of advocate's fee as Rs.7,875/- and in the column of total costs is at Rs.31,537/-.

Addl. Civil Judgen and JMFC,
Aland.

after operative portion

ORDER ON IA-II UNDER ORDER XXXIX RULE 1 AND 2 OF CODE OF CIVIL PROCEDURE,

The plaintiffs have filed this application seeking to restrain defendants from alienating the suit property. In the order of IA-I, I have already narrated entire facts of the case. Hence, I am not inclined to narrate the facts of the case.

The plaintiffs have alleged fraud against the father of defendant No.1. Even though, the sale deed is of the year 1987 and at the out set it is seen that the time has been lapsed to file the suit for cancellation of an instrument, the court has to look into the fact that, if the fraud is alleged there cannot be any limitation. Fraud vitiates all proceedings. Admittedly, RTCs have been changed in the name of

defendant No.1, later in the name of defendant No.2. Therefore, the apprehension of the plaintiff that they may alienate the property cannot be wiped off. Defendants are in upper hand as the revenue documents are standing in the name of the defendants. There are every possibility of alienation of the property at the hands of defendants. Therefore, I am of the opinion that plaintiff has made out prima-facie ground to allow the application.

The defendants have filed memo stating that they have no objections to IA-II.

Looking into the facts and circumstances of the case, as I have held the defendants are in upper hand and the revenue records are standing in the name of defendants, if they are allowed to alienate, there will be multiplicity of proceedings and it will cause injury to plaintiffs. On the other hand, as they have submitted no objections to allow this application, if they are restrained from alienating the suit property, no injury will be caused to them and balance of convenience is in favour of plaintiff. Therefore, I am of the opinion that defendant Nos.1 and 2 have to be restrained from alienating the suit property. Accordingly, I pass the following;

ORDER

IA-II filed by the plaintiff under Order XXXIX Rule 1 and 2 of Code of Civil Procedure is hereby allowed.

Defendants are hereby restrained from alienating the suit schedule property till disposal of the suit.

No order as to cost.

Addl. Civil Judgen and JMFC,

Aland.

Crl. Misc. No. 32/2000

This case was initiated against the surety by name Vithal S/o Anneppa Jingan. As he was a surety to Accused No.1 to 7 in C.C. No. 298/1995. The accused No.1 to 7 were absconded after the bail, hence surety notice was issued. Even after due service of notice, the surety did not appear before the Court. Hence Surety bond and bail bond were stands forfeited. Therefore, the above case has been initiated against surety.

On 30.10.2006 this case was also closed as Deputy Commissioner has not reported about the attachment of property of surety.

Now Vithal S/o Anneppa Jingan has appeared before the Court and state that he would pay the penalty for having forfeited bond. The bond amount was at Rs:14,000/-. It is needless to say that he has to pay the bond amount of Rs:14,000/-. But, he has filed application U/O.436(3) of Cr.P.C. praying this Court to take a lenient view and to reduce fine amount.

It is seen that original C.C. 298/1995 has been closed. All the accused were secured by the prosecution. Since the surety bond was forfeited Vithal S/o Anneppa Jingan is before the Court to pay bond amount.

Under these circumstances I am of the view that the surety has to be given a lenient view and the surety is directed to pay a sum of Rs:4,000/- towards the forfeiture of surety and bond amount of himself and accused No.1 to 7 in C.C. No. 298/1995.

It is seen that as per the Order of this Court an encumbrance is created in the RTC of Sy.No.173/a of V.K.Salagar village, Narona Hobli, Tq: Aland as the respondent i.e Vithal

S/o Anneppa Jingan has not paid the forfeiture amount.

Now Vithal S/o Anneppa Jingan has come before the Court and has paid the forfeiture amount. The concerned Revenue Officials are directed to remove the encumbrance made in Col.No.9, 11 and 12 of RTC bearing Sy No.173/a of V.K.Salagar Village which belongs to the surety Vithal S/o Anneppa Jingan.

The petition stands disposed off.

Addl. Civil Judgen and JMFC,
Aland.

E.P.No.3/2016

Decree Holder present.

Advocate for Decree Holder filed memo stating that possession warrant is duly executed and vacant possession of suit property is handed over by the JDr. Hence, prayed to close the E.P. as fully satisfied.

In view of memo E.P. is closed as fully satisfied.

Addl. Civil Judgen and JMFC,
Aland.

ORDER ON APPLICATON U/S. 47 OF CPC

JDr. No.2 has filed an application under Section 47 of Code of Civil Procedure to reject/dismiss the execution proceedings.

2. In support of the application he has filed an affidavit stating that Miscellaneous No.28/2006 is not maintainable and order passed in miscellaneous case is not executable. He is alleged that the order is passed in the absence of JDr No.2 and enquiry is not properly conducted by the trial court.

3. It is the further case of JDr No.2 that the description of the suit property shown in O.S.No.151/1986 is not correct. Therefore, the judgment is not executable. The mesne profit was not claimed in O.S.No.115/1986, stating that how much loss is incurred and how much the plaintiff was entitled. Therefore, JDr No.2 prays to reject/dismiss the execution proceedings.

4. DHr has filed objections to the application stating that JDr No.2 cannot say, in the execution proceedings that the order passed by the court is not executable or miscellaneous petition is not maintainable.

5. DHr further averred that in O.S.No.115/1989 an issue with regard to mesne profit was framed and the court has observed that a separate enquiry to be made under Order XX Rule 12 of Code of Civil Procedure. in order to calculate mesne profit.

6. In the light of above observations, miscellaneous/ O.S. No.28/2006 was filed, miscellaneous/OS. No.28/2006 was allowed which was not questioned by the JDr No.2. Therefore, he cannot agitate the ground that the miscellaneous petition is not properly decided. Hence, prayed to dismiss the application.

7. Heard the counsel for the decree holder and the counsel for JDr No.2. Perused the petition, application and the materials available on record. Upon perusal of the same the following points arose for my determination.

1. Whether the JDr No.2 has made out grounds to allow the application U/Sec.47 of Code of Civil Procedure?

2. What order?

8. **POINT NO.1:** It is to be seen that, the suit in O.S.No.115/1989 was decreed in favour of DHr. In O.S.No.115/1989 an issue with regard to the mesne profit has been framed and the court has opined that a separate enquiry has to be conducted in order to calculate the entitlement of mesne profit. After the decree, the plaintiff has filed miscellaneous/ O.S. No.28/2006 under Order XX Rule 12 of Code of Civil Procedure for enquiry of mesne profit. It is not in dispute that JDr No.2 was one of the defendants in original suit proceedings. It is also clear by bare perusal of the order in miscellaneous No.28/2006 that JDr No.2 was arrayed as respondent No.2 in the petition. It was said to be an exparte order. JDr No.2

having placed exparte in miscellaneous petition cannot claim that he was not given any opportunity to put forth his case and the order of the court is bad as well as EP is not maintainable.

9. It is well-settled law that if the party is aggrieved by the order of the court in miscellaneous petition/ O.S, he has all the chances in the world to question the said order/decree in the appellate court. Perusing materials available on record, it is seen that JDr No.2 has not filed any appeal against the order in miscellaneous/ O.S. No.28/2006. Thus, the order of the court has attained finality. Therefore, JDr No.2 now cannot agitate that order has been obtained fraudulently. The court has passed the order after due enquiry. Now JDr No.2 is resisting the execution only in order to drag on the matter. As I already held JDr No.2 has no right to question the order of the court, he is not entitled for enquiry by filing an application U/Section 47 of Code of Civil Procedure. I find no factual enquiry is necessary to execute the decree. Moreover, it is not the case of the JDR No.2 that he has not party to the earlier proceedings. Therefore, I am of the opinion that JDr No.2 has filed this application only to drag on the proceedings and he has not made any grounds to allow the application. Accordingly, I answer the Point No.1 in the NEGATIVE._

10. **POINT NO.2:** In view of the negative finding on Point No.1 and considering the circumstances of the case, the suit is of the year 1989 which was said to be decreed on 03.07.2007. The order which is sought to be executed he is of 12 years old. JDr No.2 in one or the other way is resisting the execution of the order. Under these circumstances, I feel that JDr No.2 should not be shown in lenience and he has to pay for his mischievous acts. Therefore, I am of the opinion that I.A. deserves to be rejected on heavy costs. Accordingly, I proceed to the following:

O R D E R

I.A. U/s 47 of Code of Civil Procedure is filed by the JDr No.2 is hereby rejected on costs of Rs.3,000/-.

ADDL.CIVIL JUDGE & JMFC,
ALAND.

This court has issued sale notice by allowing the application filed by the DHr under Order XXI Rule 58 of Code of Civil Procedure. DHr has filed ROR of land bearing Sy.No.62/2 which is standing in the name of Veeranna Bhimasha Hadagil wherein in the order attachment warrant was issued against JDr No.1. It is seen that ROR in land bearing Sy.No.62/2 is standing in the name of JDr. No.3. It is needless to say all JDr.s are liable to pay the mesne profit. Hence it is clarified that attachment warrant is issued to Sy. No.62/2 which is standing in the name of Veeranna Bhimasha Hadagil against the LRs of JDr. No.3.

Issue attachment warrant of property of JDr. No.3 bearing Sy. No.66/2 measuring 2 acre 16 guntas situated at Dhattargaon Village Tq. Aland.Dist Kalaburagi.

ADDL.CIVIL JUDGE & JMFC,
ALAND.

C.C.No.275/2011

APP files application U/s.311 of Cr.PC. seeking recall of CW1 and CW29. Counsel for the accused submits no objection to allow the application. Heard. For the reasons stated in the application and also in the interest of justice. IA is allowed. CW1 and CW29 are recalled.

CW1 and CW29 are present.
They are examined as PW15 and 16 respectively.
Ex.P17, Ex.P17(a), Ex.P18, Ex.P18(a), Ex.P4(b), Ex.P5(b), Ex.P6(b), Ex.P11(ಆ) (ಬ) , Ex.P12, Ex.P12(a), Ex.P7(a), Ex.P9(a), Ex.P8(a), Ex.P13, Ex.P13(a), Ex.P14, Ex.P14(a), Ex.P15, Ex.P15(a), Ex.P16, Ex.P16(a), Ex.P17, Ex.P17(a), Ex.P18 to Ex.P24, Ex.P18(a) to Ex.P24(a), Ex.P11(b) are marked.
For 313 statement and arguments.

Call on: 14.02.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

FDP No.11/2016

The petitioner has filed this petition seeking division of the properties as per the decree dated 20.06.2005 in O.S.No.67/2001.

2. In O.S.No.67/2001 he was a defendant. It was ordered that plaintiffs are entitled for 2/3rd share in the suit lands. The decree has attained finality. If the plaintiffs are entitled for 2/3rd share, it is deemed that the defendant i.e. present petitioner is entitled for the rest of the share in the suit properties. The respondent in this proceedings has filed the wage objections stating that the present

petitioner is not at all the defendant in O.S.No.67/2001 and that the defendant has kept mistresses namely Smt. Siddamma and deserted his legally wedded wife Smt. Mahananda and other shallow objections.

3. This is a final decree proceedings. The court has got limited jurisdiction to try this proceedings. It is filed seeking only division of the properties as per the decree. The respondent cannot again start a suit afresh.

4. The petitioner was present before the court. The court has enquired with the petitioner. He has stated that he has only filed this proceeding for division of his shares. Under these proceedings, the court is incumbent to appoint a commissioner in view to divide the properties and to allot shares to the petitioner and respondents. Accordingly I pass the following;

O R D E R

Taluka Surveyor, Aland is appointed as the court commissioner to divide the properties and to allot separate possession of the properties as per decree.

It is clarified that plaintiffs are entitled to 2/3rd share jointly and the defendant is entitled to 1/3rd share in suit properties.

The court commissioner fee is fixed at Rs.1,000/- tentatively.

Issue commissioner warrant.

Call on:

Addl. Civil Judge, Aland.

Accused present.

Counsel for accused files Application U/s 70(2) of Cr.P.C. praying this court to recall NBW issued against the accused.

Heard, satisfied.

NBW issued against accused is hereby recalled on payment of penalty of Rs:100/-.

For 313 statement

Call on 30.01.2018

ADDL.CIVIL JUDGE & JMFC,
ALAND

OS NO 23/2013

Sri. SSC Advocate files I.A. under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendant No 2 and 3 by way of paper publication.

Perused the order sheet. Plaintiff has taken steps through court as well as by RPAD. Summons to defendant No 2 and 3 returned as un-served. Thus it is clear that Defendant No 2 and 3 are evading the service of summons. Hence I feel it necessary to allow the application. Accordingly I pass the following

ORDER

I.A. filed by plaintiff U/O 5 Rule 20 of Code of Civil Procedure is hereby allowed.

Plaintiff is permitted to take paper publication.

Issue suit summons to Defendant No 2 and 3 by way of paper publication in Greenobles Kannada Daily News paper if citation is furnished and PF paid.

Call on 06-03-2018.

During the examination of PW-1 the court has come across a document styled as 'Hola Kharidi Patra' .

I have perused the said document. The covenant of the document goes to show that a part performance has been performed by one of the parties by paying a part consideration.

Therefore, even though the document is styled as "Hola Kahridi patra or sale deed", looking to the contents of the document, I am of the opinion that it is an agreement of sale between the parties. Thus the said document is held to be an agreement of sale. The document is of the year 2006. At the relevant point of time the stamp duty for the document is provided as under;

Article 5(e)IV of Karnataka Stamp Act provides stamp duty for agreement of sale of immovable property wherein part performance of the contract wherein possession of the property is not delivered if the sale consideration is in execs of Rs 50,000/- . The stamp duty is at Rs:200/-.

In the above said document it is clear that there is no covenant as to delivery of

possession of the property in pursuance of the document.

The sale consideration mentioned in the document is at Rs: 1,8,000/-, per acre, and the total land intended to be purchased is 3 acres. Hence stamp duty and penalty is calculated as here under:

Total sale consideration:

Rs: 1,80,000 x 3.00 acres = Rs: 3,00,000

Thus duty and penalty Rs: 100/- stamp duty is already paid as per the document. Stamp duty required to be paid is Rs 100/-

10 times of penalty and 1 time of duty is equals to 100 x 10=1000+100=1100

Thus the plaintiff has to pay Rs: 1100/- as duty and penalty.

Office is directed to collect the same.

ADDL.CIVIL JUDGE & JMFC,
ALAND

FDP No.1/2016

None present. Call after some time. Case again called out 3:45 p.m.

K.P.T. for P.N.S. prays time.

Perused order sheet. From the date of the initiation of the proceedings even though sufficient opportunities have been given, the petitioner has failed to take steps against respondents. Hence, no ground made out to adjourn the matter. Therefore, the prayer of the counsel for the petitioner is rejected.

The conduct of the petitioner would show that he is not interested to proceed with the matter. Thus, I am of the opinion that the petition deserves to be dismissed. Accordingly, I pass the following;

ORDER

The petition is hereby dismissed for default.

ADDL.CIVIL JUDGE & JMFC,
ALAND

C.C. 391/2016

Accused No.1 and 2 are present.

Counsel for accused files Application U/s 70(2) of Cr.P.C. praying this court to recall NBW issued against the accused No.1 and 2.

Heard, satisfied.

NBW issued against accused No. 1 and 2. is hereby recalled on payment of penalty of Rs:100/-. each.

Call on 15.02.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

None present. Call after some time. Case again called out at 3:15 p.m. None present. Call after some time. Case again called at 5:10 p.m. AWA present and prays time. Plaintiff absent. This case for posted for evidence of plaintiff on 24.11.2016 since 24.11.2016 till today plaintiff has not appeared before the court. Sufficient opportunities have been given to the plaintiff to lead evidence. The case was also adjourned on cost. In spite of giving sufficient opportunities plaintiff has failed to appear before the court and to lead evidence. Hence, the plaintiff has made out no ground to adjourn the matter. Hence, the prayer of counsel for the plaintiff is rejected.

By the conduct of the plaintiff it is seen that he is not interested to proceed with the matter. Hence, the suit deserves to be dismissed. Accordingly I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

In examination of the PW-1 the court has, come across a document styled as 'Hola Kharidi Patra' .

I have perused the said document. the conventions of the document go to show that intention of the party both show the it is an agreement of sale. Where is bearing a part payment has been paying and another party payment. as to be pay by the intending purchaser.

Even though the document is styled as "Sale Deed" the contents of the document goes to show that it is an agreement of sale between the parties. Thus the said document is held to be an agreement of sale. The document is of the year 2006. In the relevant point of time the stamp duty for the document is provided as under;

Article 5(e) of Karnataka Stamp Act provides stamp duty for agreement of sale of immovable property wherein part performance of the contract wherein possession of the property is not delivered. The stamp duty is at Rs:0.20 for every Rs:100/-.

In the above said document it is clear that there is no covenant as to delivery of possession of the property in pursuance of the document. Thus, I am of the opinion that the

stamp duty and penalty has to be calculated under the above provision.

The sale consideration mentioned in the document is at Rs:1,8,000/-, per acre, hence stamp duty and penalty is calculated as here under:

Total sale consideration:

Rs:1,8,000 x 3.3 acres = Rs: 3,10,000

3,10,000 X 0.2/100=Rs. 620

Thus duty and penalty Rs:100/- stamp duty is already paid as per the document.

10 times of penalty and 1 time of duty is equals to 520 x 10=5,200

Thus the plaintiff has to pay Rs:5,720/- as duty and penalty.

Office is directed to collect the same.

For further examination in chief of PW-1.

Call on: 06.02.2018

ADDL.CIVIL JUDGE & JMFC,
ALAND

Advocate for plaintiff No.2 files an application under Order XXVI Rule 4 of Code of Civil Procedure seeking this court to appoint an advocate as commissioner to record the evidence of the plaintiff in his house at Kalaburgi. In the application the plaintiff has contended that he has recently undergone heart surgery at Bengaluru and he has advised to take bed rest. He has also stated that he has suffered fracture of his right tibia, due to which he has become immovable. Hence, he cannot attend the court. Therefore, he is seeking the appointment of commissioner to record his evidence.

2. In support of his contention, the advocate for plaintiff has filed memo of facts. The advocate for plaintiff states that plaintiff No.1 is his classmate, he has recently met him at his house and noticed that he is not able to move out of bed for medical reasons. Hence, commissioner may be appointed.

3. The advocate for defendant called out. Absent. Hence, objections to I.A. is taken has not filed.

4. Heard on the application and perused the materials available on record application and memorandum of fact.

5. The following points arose for the my determination:

1. Whether the plaintiff has made out grounds to allow the application?

2. What order?

6. My findings to the above points are as under:

POINT NO.1: - In the Affirmative.

POINT NO.2: - As per final Order

for the following:

REASONS

7. **POINT NO.1**:- Interestingly in this case the plaintiff has filed a memorandum of facts for appointment of commissioner. The court has to see whether under memorandum of facts commissioner can be appointed or not. Under these circumstances, I would like go through Rule 18(2) of chapter III of the Karnataka Civil Rules of Practice reads thus;

> ***All facts, on which an applicant relies for making the prayer or obtaining the relief sought in the application, shall be set out in an affidavit***

accompanying the application. Where, however, the facts on which the application is based appear from the records of the case in the Court or relate to any act or conduct of the applicant's pleader himself, the Court may permit a memorandum of facts signed by the applicant's pleader to be filed instead of an affidavit:

Provided that it shall not be necessary to file any affidavit but only a memorandum of facts signed by the pleader in interlocutory applications seeking any relief of other than the reliefs of temporary injunction, attachment, arrest, appointment of guardian or the appointment of receiver or amendment of a pleadings.

8. The above provisions makes it clear that if an advocate has a personal knowledge of the facts which are narrated in the memo of facts, an application for appointment of commissioner is maintainable. Here is in this case advocate for plaintiff No.1 is said to be the classmate of plaintiff No.1 and he has also stated and he has recently visited him and got to know that the plaintiff No.1 is un-movable. The court has to see that an advocate has filed a memo of facts. On the other hand, objections have not been filed. Under these circumstances, the court has not hesitation to believe the words of an advocate to be true. The reasons assigned in the application are medical reasons. It is said that the plaintiff has not able to move around. Therefore, the plaintiff has made out grounds to allow the application and I feel it necessary to appoint commissioner to record the evidence. Accordingly, Point No.1 is answered in the Affirmative.

9. **POINT NO.2**: - Inview of Affirmative finding on Point No.1, the application is required to be allowed. Hence, I proceed to pass the following order:

O R D E R

I.A. filed by the plaintiff No.2 under Order XXVI Rule 4 of Code of Civil Procedure is hereby allowed.

Commissioner fee is fixed at Rs.1,000/- tentatively.

Sri. A.W.Ansari Advocate is appointed as court commissioner.

For memo of instructions.

Call on:

ADDL.CIVIL JUDGE & JMFC,
ALAND

The plaintiff has produced Vaatni Patra dated: 10.04.2006. As it is not duly stamped this Court has declined to mark the document. And directed the office to calculate the stamp duty.

The office rather then calculating the stamp duty has written a letter to Sub-Registrar to calculate the stamp duty by showing its inefficiency.

This Court has taken the cognizance that in lot of cases the office has written letters for Sub-Registrars and Tahasildars for calculation of stamp duty, from several dates those cases are getting adjourned as report awaited. Therefore, the Court felt fit to calculate the stamp duty itself. Hence, the calculation is as under.

Article 39 of The Karnataka Stamp Act provides stamp duty provides for stamp duty for partition deeds. (b) of the said Article provides where the property involved in the partition is the agricultural land. For every share it is Rs:250/-.

There are three shares in the partition deed, all of them are of agricultural properties. Hence stamp duty and penalty is calculated as here under:

Rs:250 x 3 = Rs: 750.

Rs:60/- stamp duty is already paid as per the document.

10 times of penalty and 1 time of duty are equals to 690x10=6,900.

Thus the plaintiff has to pay Rs: 6,900+ 690/-= 7,590/- as duty and penalty.

Office is directed to collect Rs: 7,590/-.

For further examination in chief of PW-1.

Call on: 19.02.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

O.S. No.240/2016

Advocate for plaintiff files I.A. U/Sec 151 of Code of Civil Procedure to advance the case from 24.02.2018 to today.

The case is taken on today's board.

Plaintiff present.

Advocate for plaintiff and defendant present.

Plaintiff files a Memo stating that he does not want to press the suit and prays this Court to dismiss the suit as not pressed.

In view of memo the suit of the plaintiff is hereby dismissed as not pressed.

Addl. Civil Judge,
Aland.

Perused the order sheet. This case was taken on board for first hearing on 30.03.2017. On the date of first hearing itself plaintiff and his counsel were absent. But, my predecessor has issued suit summons to defendant Nos.1 to 5 even in the absence of the plaintiff and his counsel.

On 21.04.2017 summons were served to defendant Nos.1 to 5. They were called out. As they were absent. They were placed exparte. Even on that day, plaintiff or his counsel did not represent the case. The case

was adjourned for evidence of plaintiff on 16.06.2017. Even on that day, neither plaintiff nor his counsel has represented the

case. Therefore, the court has given opportunities to plaintiff on 05.07.2017, 23.09.2017, 06.10.2017 and finally on 17.11.2017 and posted this case on 15.01.2018. Since 15.01.2018 came to be an holiday it was called on 16.01.2018 both the plaintiff and counsel were absent.

Looking into the conduct of the plaintiff and his counsel it is clear that there are not interested to proceed with a matter they have not utilize the opportunities given by the court to lead by their evidence. Under these circumstances, the court feels to fit dismiss the case. According, I pass the following;

O R D E R

The suit of the plaintiff is hereby dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1, 2,3,4,6,7, 10,11,12, 13, 14, 16, 17, 18, 19, 20, 21, to 24, 26 to 28, 30 to 35, and 40 are present.

E/A filed on behalf of A-38.

Heard and allowed.

Heard APP in part.

For further arguments.

Call on 29.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

O.S. No 10/2014

The Special Power of Attorney Holder of the plaintiff is present. Files affidavit in lieu of Examination in Chief. Examined himself as PW-1. Ex,P-1 to P-3 are marked. S.S.C prays time.

For Cross Examination of PW-1.

Call on : 13.02.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Cri.Misc.No.716/012

None present.

On 28.09.2017 the case was adjourned on the ground that both the parties will report the final settlement on the next date of hearing. From 03.11.2017 to this date 3 adjournments were given to both the parties to report compromise. Both the parties are absent. The counsel for petitioner and respondent submitted that they have no instructions from their clients. The conduct of the parties would goes to show that they are not interested to proceed with the case. Hence, I proceed to pass the following;

O R D E R

The petition is dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.159/2016

Accused is present.

BSN files application U/o. 70(2) of Cr.P.C. praying this court to recall NBW issued against the accused.

Heard, satisfied.

NBW issued against accused is hereby recalled on payment of penalty of Rs:100/-.

For compliance.

Call on 24.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.501/2016

Police submits a report of Koralli Kanchana Gram Panchayat stating that the accused do not possess or own any immovable property.

The proclamation and attachment warrant are duly published. Police could not secure the presence of the accused. Hence, I am of the opinion that there are no chances of securing the presence of the accused in near future. hence, the case is posted for evidence U/s.299 of Cr.PC.

Issue summons to CWs.1 to 5.

Call on: 25.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

The plaintiff has produced Vaatni Patra dated: 10.04.2006. As it is not duly stamped this Court has declined to mark the document. And directed the office to calculate the stamp duty.

The office rather then calculating the stamp duty has written a letter to Sub-Registrar to calculate the stamp duty by showing its inefficiency.

This Court has taken the cognizance that in lot of cases the office has written letters for Sub-Registrars and Tahasildars for calculation of stamp duty, from several dates those cases are getting adjourned as report awaited. Therefore, the Court felt fit to calculate the stamp duty itself. Hence, the calculation is as under.

Article 39 of The Karnataka Stamp Act provides stamp duty provides for stamp duty for partition deeds. (b) of the said Article provides where the property involved in the partition is the agricultural land. For every share it is Rs:250/-.

There are three shares in the partition deed, all of them are of agricultural properties. Hence stamp duty and penalty is calculated as here under:

Rs:250 x 3 = Rs: 750.

Duty and penalty of Rs:60/- stamp duty is already paid as per the document.

10 times of penalty and 1 time of duty is equals to 690x10=6,900.

Thus the plaintiff has to pay Rs:6,900+ 690/-= 7,590/- as duty and penalty.

Office is directed to collect Rs:7,590/-.

For further examination in chief of PW-1.

Call on: 19.02.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Accused is present.

Counsel for accused files Application U/s 70(2) of Cr.P.C. praying this court to recall NBW issued against the accused.

Heard, satisfied.

NBW issued against accused is hereby recalled on payment of penalty of Rs:100/-.

Call on 28.02.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

FDP No.11/2013

The petitioner has filed an application U/s. 54 of Code of Civil Procedure seeking appointment of court commissioner to make divisions of suit properties as per the decree.

The counsel for respondent has filed objections to the main petition. The respondent averred in the objections that one Sridevi the daughter of the respondent is also entitled to 1/3rd share to the suit property and without her FDP is not maintainable. She has also averred that she has filed a suit before Principal Civil Judge at Aland which is pending consideration. Hence, the FDP cannot be proceeded with and prays to stay the FDP proceedings.

Heard. Perused materials on record.

Upon perusal I found that this petitioners were the plaintiffs in O.S.No.110/2012. They have filed a suit for partition and separate possession. The suit has been decreed declaring that the petitioners are entitled to half share together in to the suit properties. Hence, this petition is filed by the petitioner for division and to get separate possession of their share. The materials available on record shows that there no stay from the higher court for this proceedings. The contention urged by the respondent in the statement of objections cannot be taken into consideration as there is no stay of this proceedings by any other Court as of now. Therefore, I feel it necessary to appoint court commissioner for making division and allotting share to plaintiffs. Accordingly, I pass the following;

O R D E R

The Assistant Director of Land Records Aland/Taluka Surveyor, Aland is appointed as the court commissioner.

Court commissioner fee is fixed at Rs.1,000/- tentatively.

Issue commissioner warrant.

Call on: 16.03.2018.

Addl. Civil Judge, Aland.

C.C.217/2014

The counsel for the accused has filed an application U/Sec. 311 of CrPC seeking recall of PW-1 to 4 for the purpose of further cross-examination. The learned APP has filed objections to the application.

The counsel for the accused has argued that PW-1 to 4 have supported the case of prosecution and PW-1 is informant and claimed to be the injured. He has already cross examined PW-1 to 4 but in the cross examination he has left out to cross examine them on various vital points.

I have carefully gone through the application. In the application the accused has not uttered a word about what was th vital points which were left out by him and about what aspects he is going to cross examine PW-1 to 4. which subject he is going to cross-examine PW-1. But PW-1 is the injured cum informant. He has supported the case of prosecution. Hence accused has to be given sufficient opportunity to disprove the case of prosecution. Under these circumstances I feel it necessary to give an opportunity to the accused to further cross-examine PW-1 to 4. Accordingly I pass the following:

O R D E R

I.A. filed by the accused U/sec 311 of CrPC is hereby allowed on cost of Rs. 100/- each.

C.C.217/2014

Accused is directed to cross-examine PW-1 to 4 only on the relevant portion. The cross-examination should not be with regard to civil matters.

Issue witness summons to PW-1 to 4.

Call on: 25.01.2018.

Addl. Civil Judge and JMFC,
Aland.

Accused No.2 is present. Accused No.1 absent. E/A filed, heard and allowed.

APP files objections. Heard. For Orders.

The counsel for the accused has filed an application U/Sec. 311 of CrPC seeking recall of CW-1 to 3 for the purpose of further cross-examination. The learned APP has filed objections to the application.

The counsel for the accused has argued that CW-1 to 3 have supported the case of prosecution and CW-1 is informant and claimed to be the victim. He has already cross examined CW-1 to 3 but in the cross examination he has left out to cross examine them on various vital points.

I have carefully gone through the application. In the application the accused has not uttered a word about what was th vital points which were left out by him and about what aspects he is going to cross examine CW-1 to 3. which subject he is going to cross-examine CW-1. But CW-1 is the victim cum informant. She has supported the case of prosecution. Hence accused has to be given sufficient opportunity to disprove the case of prosecution. Under these circumstances I feel it necessary to give an opportunity to the accused to further cross-examine CW-1 to 3. Accordingly I pass the following:

O R D E R

I.A. filed by the accused U/sec 311 of CrPC is hereby allowed on cost of Rs. 100/- each.

Accused is directed to cross-examine CW-1 to 3 only on the relevant portion. The cross-examination should not be with regard to civil matters.

Issue witness summons to CW-1 to 3 / PW-1 to 3.

Call on: 25.01.2018.

Addl. Civil Judge and JMFC,
Aland.

Applicant has filed the above application contending that she has obtained the loan from the plaintiff, but the plaintiff has created document styled as loan agreement between herself and the defendant No.1. Since, the plaintiff has filed the suit for recovery of money against defendant wherein in fact which was borrowed by this applicant. Hence, she is necessary party to the suit and prayed to allow the application.

Advocate for plaintiff submits oral objections to the application.

Heard. Perused material available on record, plaint and written statement.

The suit is one for recovery of money alleged to have been given to the defendant No.1 by the plaintiff. Which has been denied by defendant No.1. She has also denied that the alleged agreement of loan dated 22.01.2016. Wherein, the impleading applicant is admitting the loan transaction between the plaintiff and herself which is purported to have been taken place between plaintiff and defendant No.1. Since the impleading applicant is admitting the transaction between the plaintiff and herself, I am of the opinion that the suit cannot be decided without the presence of impleading applicant. Therefore, the impleading applicant

is held to be a necessary party to the suit. Accordingly, I pass the following;

ORDER

I.A. filed under Order I Rule 10(2) of Code of Civil Procedure is by the applicant is hereby allowed.

Applicant is permitted to come on record as defendant No.2.

For carrying out amendment and for furnishing amended plaint.

Call on: 18.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

This case was posted for calculation of Stamp Duty and penalty for the document produced by the plaintiff styled as " Kharidi Patra". It is seen that the document has also sent to Sub-Registrar to calculate Stamp Duty and penalty and to submit the report. The Sub-Registrar has returned the document stating that there are two Udaya Housing Societies in Aland, therefore, he has requested to specify in which Udaya Housing Society the property is situated.

The Court on sue-motto perused the document. In the last para of the document it is stated that after collecting / rectifying the site documents, the first party of the document purported to have been agreed to register the sale deed in the name of the second party to the document.

Even though the document is styled as "Sale Deed" the contents of the document goes to show that it is an agreement of sale between the parties. Thus the said document is held to be an agreement of sale. The document is of the year 2010. In the relevant point of time the stamp duty for the document is provided as under;

Article 5(e) of Karnataka Stamp Act provides stamp duty for agreement of sale of immovable property wherein part performance of the contract wherein possession of the property is not delivered. The stamp duty is at Rs:0.25 for every Rs:100/-.

In the above said document it is clear that there is no covenant as to delivery of possession of the property in pursuance of the document. Thus, I am of the opinion that the stamp duty and penalty has to be calculated under the above provision.

The sale consideration mentioned in the document is at Rs:41,000/-, hence stamp duty and penalty is calculated as here under:

Rs:41,000 x 0.25 /100= Rs: 102.50.

Thus duty and penalty Rs:100/- stamp duty is already paid as per the document.

10 times of penalty and 1 time of duty is equals to 2.50x10=25.00.

Thus the plaintiff has to pay Rs:27.50/- as duty and penalty.

Office is directed to collect the same.

For further examination in chief of PW-1.

Call on: 06.02.2018

ADDL.CIVIL JUDGE & JMFC,
ALAND

The case is taken on today's board in view of the advancement application filed by counsel for accused.

Accused No.1 to 4 are present.

Counsel for accused files Application U/s 70(2) of Cr.P.C. praying this court to recall NBW issued against the accused No.1 to 4.

Heard, satisfied.

NBW issued against accused No.1 to 4 is hereby recalled on payment of penalty of Rs:100/- each.

Issue intimation of the above order to the considered police station.

Call on 27.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff has filed an application U/O. 6 Rule 17 of Code of Civil Procedure. Along with the application he has filed affidavit contending that when he has filed application for amendment previously in the application by an oversight provision of Court Fee has been wrongly typed as 24(d) of Karnataka Court Fee and Suit Valuation Act. In the cross examination of PW-1 the same was objected by the learned counsel for the defendant. As it was objected during the cross examination, he came to know about the typographical error, mentioning of wrong provision. Hence he has filed this application to correct a typographical error.

MVE submits oral objections to the application.

Heard, perused materials available on record.

The plaintiff is only seeking amendment of the provision which he has been previously amended by the order of this Court. It is apparent on the face of the record that the plaintiff has written a wrong provision in the previous amendment application and in the previous amended plaint.

Since, the proposed amendment is just a typographical error, which does not change the nature of the suit and also the cause of action, moreover by allowing this application no harm will be caused to the defendant. Therefore I am of the opinion that I.A. filed by the plaintiff deserves to be allowed. Accordingly I pass the following:

ORDER

I.A. filed by the plaintiff U/O 6 Rule 17 of Code of Civil Procedure is hereby allowed on cost of Rs:100/-

Plaintiff is permitted to amend the plaint as per I.A.

To carryout amendment and to furnish amendment plaint.

Call on 29.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Case again called out at 5:20 p.m. None present. Perused the order sheet. It is seen that the suit is one for permanent injunction against the state. Since 08.02.2016 neither plaintiff nor his counsel is representing the case. Plaintiff has also not complied Section 89 of Code of Civil Procedure. Hence, this court has posted the case for evidence of plaintiff after framing of issues. Even then, neither plaintiff nor his counsel represented the case. Sufficient opportunities have been given to the plaintiff to lead his evidence but plaintiff has failed to do so. Thus, I am of the opinion that plaintiff is not interested in proceeding with the matter. Accordingly, I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Case again called out at 5:15 p.m. None present. Perused the order sheet. It is seen that the suit is one for permanent injunction against the state. Since 08.02.2016 neither plaintiff nor his counsel is representing the case. Plaintiff has also not complied Section 89 of Code of Civil Procedure. Hence, this court has posted the case for evidence of plaintiff after framing of issues. Even then, neither plaintiff nor his counsel represented the case. Sufficient opportunities have been given to the plaintiff to lead his evidence but plaintiff has failed to do so. Thus, I am of the opinion that plaintiff is not interested in proceeding with the matter. Accordingly, I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Case again called out at 5:25 p.m. None present. Perused the order sheet. It is seen that the suit is one for permanent injunction against the state. Since 08.02.2016 neither plaintiff nor his counsel is representing the case. Plaintiff has also not complied Section 89 of Code of Civil Procedure. Hence, this court has posted the case for evidence of plaintiff after framing of issues. Even then, neither plaintiff nor his counsel represented the case. Sufficient opportunities have been given to the plaintiff to lead his evidence but plaintiff has failed to do so. Thus, I am of the opinion that plaintiff is not interested in proceeding with the matter. Accordingly, I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed for non prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

FD.P. No.11 /2005

Case called out. None present. Again case called out at 3:05 p.m. None present. The case is of the year 2005. None of the parties are representing the case regularly. Thus, I am of the opinion that petitioner is not interested in proceeding with the matter. Accordingly, I pass the following;

ORDER

The FDP proceedings is hereby dismissed for default.

ADDL.CIVIL JUDGE & JMFC,
ALAND

This petition is filed for recovery of maintenance awarded by this court in O.S. No. 123/2005.

The petitioner has filed this petition U/Sec. 12 of the Protection of Women from Domestic Violence Act.

After perusing the decree this court has declined to issue notice to the respondent and posted the case to hear on maintainability of this petition.

The counsel for the petitioner has argued that U/Sec.12(2) of the Act the Magistrate has got the power to issue notice to respondent in order to recovery of maintenance. Hence, the present petition is maintainable.

Heard. Perused the material available on record.

As the counsel for petitioner has argued that the Magistrate has got the jurisdiction and the present petition is maintainable U/s 12(2) of Protection of Women from Domestic Violence Act, I would like to go through the above provision, which reads thus;

> ***"The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent.***
>
> ***Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the***

amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off."

The proviso to the Sec.12(2) of the Act, makes it clear that if a decree is passed by the Civil Court for any amount of compensation or damages in favour of the aggrieved person, the Magistrate under this Act has a jurisdiction to issue notice to Respondent in order to recover the amount which has been decreed by a Civil Court. **"A decree for any amount as compensation or damages"** can be interpreted including maintenance also. The very object of the act is to protect from the Domestic Violence and to uplift the standard of the Women in Society and also to give justice to women at the earliest. Therefore I am of the opinion that even though the decree is passed by the Civil Court petition under this act for recovery of maintenance is maintainable. Accordingly I pass the following:

ORDER

The present petition is maintainable under law.

Issue notice to respondent.

ADDL.CIVIL JUDGE & JMFC,
ALAND.

O.S. No 126/2017

In view of advancement application field by Shri. S.D.B. Advocate, the case is taken on today's board.

S.D.B. files I.A U/S 151 of Code of Civil Procedure seeking permission of the court to file W.S. of defendant along with written statement.

A.W.A. present and submits that I.A. may be allowed on heavy cost.

For the reasons assigned in the affidavit and in the interest of justice I.A. is allowed on cost of Rs.100/-.

W.S. of defendant is taken on record.

Heard. S.D.B. and A.W.A.

For order on I.A. No.1

Call on 05.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Crl.Misc.534/2016

This petition is filed for recovery of maintenance awarded by this court in O.S No. 123/2005.

The petitioner has filed this petition U/Sec. 12 of the Protection of Women from Domestic Violence Act.

After perusing the decree this court has declined to issue notice to the respondent and posted the case to hear on maintainability of this petition.

The counsel for the petitioner has argued that U/Sec.12(2) of the Act the Magistrate has got the power to issue notice to respondent in order to recovery of maintenance. Hence, the present petition is maintainable.

Heard. Perused the material available on record.

As the counsel for petitioner has argued that the Magistrate has got the jurisdiction and the present petition is maintainable U/s 12(2) of Protection of Women from Domestic Violence Act, I would like to go through the above provision, which reads thus " Sec.12(2) --------

The proviso to the Sec.12(2) of the Act, makes it clear that if a decree is passed by the Civil Court for any amount of compensation or damages in favour of the aggrieved person, the Magistrate under this Act has a jurisdiction to issue notice to Respondent in order to recover the amount which has been decreed by a Civil Court. **"A decree for any amount as compensation or damages"** can be interpreted including maintenance also. The very object of the act is to protect from the Domestic Violence and to uplift the standard of the Women in Society and also to give justice to women at the earliest. Therefore I am of the opinion that even though the decree is passed by the Civil Court petition under this act for recovery of maintenance is maintainable. Accordingly I pass the following:

ORDER

The present petition is maintainable under law.

Issue notice to respondent.

ADDL.CIVIL JUDGE & JMFC,
ALAND

C.C.162/2017

The case is taken on today's board in view of the advancement application filed by counsel for accused.

Accused present.

Counsel for accused files Application U/s 70(2) of Cr.P.C. praying this court to recall NBW issued against the accused.

Heard, satisfied.

NBW issued against accused is hereby recalled on payment of penalty of Rs;100/-.

Issue intimation of the above order to the considered police station./

Call on 27.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Petitioner and respondent are absent.

This is the petition filed for recovery of maintenance. Counsel for the respondent submitted in previous date of hearing that the petitioner had filed a criminal case against this respondent for the offences punishable U/Sec. 498(A) Act, which came to be disposed off and the petitioner and respondent have amicably settled the matter and they are living together. Since they are living together both of them are not appearing before the court. Hence, this court has directed the counsel for the petitioner to keep the petitioner present. Since, 3 date of hearings the counsel for the petitioner prayed time to keep the petitioner present, but he could not keep her present and today he submits that he tried to contact the petitioner, but the petitioner could not be contacted.

Under these circumstances I feel that the petitioner is not interested in proceeding with the case. Hence the petition is liable to be dismissed. Accordingly I pass the following :

ORDER

The petition is dismissed for non-prosecution.

ADDL.CIVIL JUDGE & JMFC,
ALAND

E.P.No.2/2014

The decree holder has filed application under Section 151 of CPC seeking police protection to execute the decree.

Heard on the application and perused the records.

The bailiff has returned the possession warrant un executed with report that, during the course of execution of warrant, the Judgment debtor may resist and prevent him and

the surveyor to survey the land in question in order to hand over the possession of the property to the decree holders and accordingly he has sought Police protection for the execution of warrant.

I am satisfied that the Judgment debtor being bound to satisfy the decree and hand over possession of the property in favour of the decree holder, causing obstructions in the execution of the decree. Under such circumstances, it is just and necessary to provide police protection to the bailiff in execution of the possession warrant. Accordingly I proceed to pass the following.

ORDER

The application filed by decree holder under Section 151 of CPC is hereby allowed.

The Jurisdictional Police is hereby directed to give protection and assistance to the bailiff in the execution of possession warrant.

Office is directed to write a letter to the concerned police about the order.

Reissue possession warrant if necessary process fees is paid.

Call on: 27.01.2018.

ADDL.CIVIL JUDGE & JMFC,

O.S.No.156/2012

Case called out.

Sri. AWA Advocate files I.A. under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendant by way of affixture.

Perused the order sheet. Plaintiff has taken steps through court as well as by RPAD. Summons to defendant No.1(e) returned - unserved. Thus it is clear that defendant No.1(e) is evading the service of summons. Hence I feel it necessary to allow the application. Accordingly I pass the following

ORDER

I.A. filed by plaintiff U/O 5 Rule 20 of Code of Civil Procedure is hereby allowed.

Plaintiff is permitted to take affixture.

Issue suit summons to defendant No.1(e) by way of affixture, affixing the suit summons in the conspicuous part of the house of defendant No.1(e).

Call on 23-01-2018.

Addl. Civil Judge, Aland.

FDP No.10/2016

Case called out.

Sri. SSC Advocate files I.A. under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendant by way of paper publication.

Perused the order sheet. Plaintiff has taken steps through court as well as by RPAD. Summons to R-1(d) returned - unserved. Thus it is clear that R-1(d) is evading the service of summons. Hence I feel it necessary to allow the application. Accordingly I pass the following

ORDER

I.A. filed by plaintiff U/O 5 Rule 20 of Code of Civil Procedure is hereby allowed.

Plaintiff is permitted to take paper publication.

Issue suit summons to R-1(d) by way of paper publication in Greenobles Kannada Daily News paper if citation is furnished and PF paid.

Call on 27-01-2018.

Addl. Civil Judge, Aland.

Cri.Misc.No.311/2016

This is the petition U/s. 446 of Cr.PC to recover the bond amount against the surety. On 13.11.2017, the police have reported that surety of this case is dead. This court has ordered to put up this file along with C.C.No.385/2013. This case is put up with file C.C.No.385/2013.

Perused the materials available on record.

Heeru S/o. Saralu was the surety for accused No.6 in C.C.No.385/2013. He is reported to be dead. Since, this proceedings cannot be proceeded against the LRs of surety, it deserves to be closed. Hence, I proceed to pass the following;

O R D E R

The petition is hereby closed.

ADDL.CIVIL JUDGE & JMFC,
ALAND.

C.C.No. 434/2009

Police have filed requisition stating that the accused No.6 Subbanna S/o Nagappa of this case is also called as Saibanna S/o Nagappa. All the documents of the accused are in his name as Saibanna S/o Nagappa, hence requested this Court to issue NBW against Subbanna @ Saibanna S/o Nagappa R/o Muddadaga village.

Heard.

Perused materials available on record. The prosecution has stated in its requisition that Subbanna is also called as Saibanna in that village. In the requisition, the name of father of the accused is mentioned as Nagappa R/o Muddadaga village. In the original proceedings also the name of the father of the accused Subbanna was mentioned as Nagappa R/o Muddadaga village. Hence, I am of the opinion that both Subanna and Saibanna are one and the same.

Hence issue summons to accused Subbanna @ Saibanna S/o Nagappa R/o Muddadaga village.

Call on 10.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND.

The decree holder has filed a application U/o 21 Rule 37 of Code of Civil Procedure praying to issue arrest warrant against JDr Sunil Patil and bring him before the court for recovery of arrears of maintenance. The DHr contends in his affidavit that she has filed suit for maintenance which was partly decreed. Hence, she has filed this execution petition. In this execution petition he has appeared through his advocate but not filed any objectAfter the decree the JDr has not paid any maintenance. ions to the petition. The DHr further claims that JDr has got good salary of Rs. 30,000/- p.m. but he is purposefully avoiding to pay the maintenance. /

In spite of giving sufficient opportunities JDr has not filed any objections.

Heard. Perused materials on record. Upon perusal, it is noticed that DHrs had filed suit for maintenance which was partly decreed by this court directing JDrs to pay sum of Rs.2,000/- p.m. to each DHrs. The record

reveals that JDr has not paid any amount of maintenance till date and now DHrs are seeking arrest of JDr.

Under these circumstances I feel it necessary to go through the provisions of order 21 Rule 37 and 38 Code of Civil Procedure which reads thus;

> **37. Discretionary power to permit judgment – debtor to show cause against detention in prison.** – (1) Notwithstanding any thing in these rules, where an application is for the execution of a decree for the payment of money by the arrest and detention in the civil prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court (shall) instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to the civil prison;
>
> Provided that such notice shall not be necessary if the Court is satisfied, by affidavit, or otherwise, that, with the object or effect of delaying the execution of the decree, the judgment-debtor is likely to abscond or leave the local limits of the jurisdiction of the Court.
>
> (2) Where appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor.
>
> **38. Warrant for arrest to direct judgment-debtor to the brought up.-** Every warrant for the arrest of a judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been

ordered to pay, together with the interest thereon and the costs (if any) to which he is liable, be sooner paid.

The above provision makes it clear that a show cause notice to be issued before issuing warrant of arrest to the JDr.

The proviso to order 21 Rule 37 would specify that if the court feels it necessary that issuing notice of arrest may cause delay and JDr is likely to abscond the local limits of the court, warrant can be issued to arrest JDr.

In this case from the initiation of this petition, the JDr has not appeared and paid any maintenance. It is the duty of the court not only to pass the decree and also to execute the decree. The order sheet reveals that sufficient opportunities have been given to JDr to pay maintenance and DHr has taken several steps to execute the decree. In spite of that, the decree has not been executed. It is also to be noted that DHr has averred and also given the address of the JDr that he lives in Maharastra. Thus, I am of the opinion that show cause notice of arrest has to be issued to JDr.

The DHr has filed another application to appoint special Bailiff to arrest the JDr and to brought him before the court. As it is averred by the DHr that the JDr is living out side the jurisdiction of this court, it is necessary to appoint special bailiff to serve the notice of arrest. Accordingly, I pass the following:

O R D E R

I.A. filed by DHr. U/o 21 Rule 37 of Code of Civil Procedure and I.A. under Section 151 of Code of Civil Procedure are hereby partly allowed.

Issue show cause notice of arrest of JDr. Special bailiff appointed to execute the above order.

Special Bailiff can take the assistance of the local police in order to serve the notice of arrest.

ADDL.CIVIL JUDGE & JMFC,
ALAND.

O.S.No.28/2017

Defendant No.1 has filed application under Order IX Rule 7 of Code of Civil Procedure seeking setting aside the exparte order passed against him stating that because of his ill-health he could not appear before this court on the first date of hearing. He has a case on merits if the application is not allowed he will be put to great hardship and an irreparable loss will be caused to him.

The plaintiff has filed objections to the application contending that this case is posted for arguments. The summons issued to the defendant No.1 has been served on person. Defendant No.1 has willfully did not come before the court on the date of service of summons. Now he has led his evidence the case is already posted for

argument hence, he cannot be allowed to come on record and prayed to reject the application.

Heard. Perused I.A. and objections and materials available on record.

The suit is one for declaration, declaring that the plaintiff is the absolute owner of in possession of suit property and also for declaration declaring the partition deed to be null and void. Even though, the defendant No.1 has not produced any documents to show that he was ill at the relevant time, as the suit is comprehensive in nature, the rights of ownership and possession is involved in the suit, I am of the opinion that the defendant No.1 has to be given a chance to come on record and proceed with a case. If an opportunity is not given he will be definitely put to great hardship and valuable right of defending the case will be restrained. Hence, I proceed to pass the following;

O R D E R

I.A. filed by the defendant No.1 under Order IX Rule 7 of CPC is hereby allowed on cost of Rs.300/-.

For arguments.

Call on: 19.01.2018.

ADDL.CIVIL JUDGE & JMFC,
ALAND.

EP.No.3/2015

Sri. RJP Advocate filed I.A. under Order 5 Rule 20 R/W Sec.151 of CPC seeking permission to take substituted service for service of sale notice on JDR No.1 and 2 by way of affixture on the door of the house of the JDRs No.1 and 2.

House property extract of the house of JDRs is filed along with the application.

Perused and heard. It appears that JD is avoiding service of notice. Satisfied. Hence allowed.

DH is permitted to take substituted service.

Issue sale notice of House No.26/1 belongs to JDr No.2 situated at Hirolli village, Tq: Aland by way of affixture on the main door of the house of JDRs No.1 and 2 and on the property situated on the address given in the application if PF paid.

Call on: 25.01.2018.

Prl. Civil Judge, Aland.

The petitioner has filed an application U/o. XXVI Rule 9 of Code of Civil Procedure seeking appointment of court commissioner to make divisions of suit properties as per the decree.

The counsel for respondents submits no objection to allow the application.

Heard. Perused materials on record.

Upon perusal I found that this petitioner was plaintiff in O.S.No.122/2001. She has filed a suit for partition and separate possession. The suit has been decreed declaring that the petitioner is entitled for 5/10th share in to the suit properties. Hence, this petition is filed by the petitioner for division and to get separate possession of her share. The materials available on record shown that there no stay from the higher court for this proceedings. Therefore, I feel it necessary to appoint court commissioner for

making division and allotting share to plaintiff. Accordingly, I pass the following;

O R D E R

IA filed by the petitioner U/o. XXVI Rule 9 of Code of Civil Procedure is hereby allowed.

Court commissioner fee is fixed at Rs.1,000/- tentatively.

To suggest the name of the commissioner.

Call on:

Addl. Civil Judge, Aland.

The petitioner has filed an application U/o. XXVI Rule 9 of Code of Civil Procedure seeking appointment of court commissioner to make divisions of suit properties as per the decree.

The counsel for respondents submits no objection to allow the application.

Heard. Perused materials on record.

Upon perusal I found that this petitioner was plaintiff in O.S.No.165/2002. He has filed a suit for partition and separate possession. The suit has been decreed declaring that the petitioner is entitled for 1/10th share in to the suit properties. Hence, this petition is filed by the petitioner for division and to get separate possession of her share. The materials available on record shown that there no stay from the higher court for this proceedings. Therefore, I feel it necessary to appoint court commissioner for making division and allotting share to plaintiff. Accordingly, I pass the following;

O R D E R

IA filed by the petitioner U/o. XXVI Rule 9 of Code of Civil Procedure is hereby allowed.

Court commissioner fee is fixed at Rs.1,000/- tentatively.

To suggest the name of the commissioner.

Call on:

Addl. Civil Judge, Aland.

The plaintiff has filed an application U/o 6 Rule 17 Code of Civil Procedure seeking amendment of house number in the plaint para No.1(a) and 1(b) in boundaries in para No.5 and an additional para No.5(a). In the affidavit Special Power of Attorney holder

of plaintiffs has contended that due to oversight by a typographical error house number in para No.1(a) and 1(b) and boundaries in para No.5 have been wrongly typed. The above mistake is bonafide and not intentional. If the amendment is allowed no prejudice will be caused to the other side. Hence, he prayed to allow the application.

Counsel for defendant has orally objected to the application submitting that similar application has already been filed by the plaintiff, it is also been allowed by this court. Again the plaintiff is filing the above application only to drag on the matter. Hence, he prayed to reject the application.

Heard. Perused the materials available on record I.A. and affidavit.

After careful perusal of I.A. and affidavit it is seen that the plaintiff is seeking amendment only of house number and boundaries to the schedule property. Thus, it is a typographical error which can be corrected.

The proposed amendment will not create new cause of action nor it changes the nature of the suit. Hence, I feel it necessary to allow the amendment application. Accordingly I pass the following:

O R D E R

I.A. filed by plaintiff U/o 6 Rule 17 is hereby allowed on cost of Rs.100/-.

The plaintiff is directed to amend the plaint as per I.A.

For amended plaint.

Call on:

ADDL.CIVIL JUDGE & JMFC,
Aland

NBW issued to respondent No.2 is returned unexecuted. This is the petition for recovery of bond amount U/s 446 of Cr.P.C. Respondent No.4 being the surety has come before the court and paid amount in recovery of bond amount. The original case in C.C. No.16/2009 was settled in Lok-Adalat. Respondent No.2 is the accused who has been absconding. Hence, a split-up charge sheet is filed and this petition is also filed against surety. Since the original C.C. is already closed. The split-up case is also closed. Moreover, on 07.09.2017 respondent No.4 as appeared and paid penalty of Rs.500/- in view of recovery of bond amount. Hence, I am of the considered opinion that issuing NBW to Respondent No.2 in this case is not necessary and the petition deserves to be closed. Accordingly I pass the following:

ORDER

The petition is hereby closed.

Addl. Civil Judge, Aland.

Crl.Misc.No.806/ 2016

This is a proceeding U/Sec 446 of CrP.C. Since the accused Somanna

@ Swamy was absconded after taking bail this proceeding came to be initiated against him as well as his surety Maruti S/o Ismail Singhe. Notices were issued to respondents on 05-08-2017. Notice issued to respondent No.1 is returned with the shara that the respondent No.1 is dead. Again notice was issued to respondent No.2. On 08-11-2017 notice issued to respondent No.2 is also returned with shara, as respondent No.2 is dead.

Since both the respondents are dead and the liability cannot be imposed on the legal representatives of respondents. This petition deserves to be closed. Accordingly I pass the following:

O R D E R

The Petition is hereby closed.

ADDL.CIVIL JUDGE & JMFC,

FDP No.4/2016

SSC files memo stating that Taluka surveyor Aland may be made as

commissioner for division of suit lands and Sri.SDB adv. may be appointed as commissioner for division of suit house property. AWA adv. submits to memo.

Heard. Perused available on record.

Taluka surveyor is appointed is commissioner for division of suit lands.

Sri.SDB adv. is appointed as court commissioner for division of suit house property.

Commissioner fee is fixed at Rs.1000/- tentatively.

It is made known to the court the original decree is passed for 1/8th share. Since respondent No.1 Basavanappa S/o Chandappa Chinmalli is expired the preliminary decree shall be modified as 1/7th share.

Since respondent No.1 Basavanappa S/o Chandappa Chinmalli is expired after the decree and his LRs were already on record the preliminary decree has to be modified as 1/7th share to petitioner and respondents. Accordingly office is directed to modify preliminary decree as 1/7th share to petitioner and respondents.

Issue commissioner warrant.
Call on.30.01.2018.

Addl. Civil Judge, Aland.

EX

ORDER ON APPLICATION U/SEC. 151 OF CODE OF CIVIL PROCEDURE

The decree holder has filed the application seeking this court to direct the jurisdictional police to give police protection in order to implement/execute the decree. The JDr has not appeared before the court after service of notice and remained absent. Hence the objections to the application was taken as not filed.

2. Heard the counsel for the decree holder. Perused the petition, application and the materials available on record. Upon perusal of the same the following points arose for my determination.

3. Whether the decree holder made out grounds to allow the application U/Sec.151 of Code of Civil Procedure?

4. What order?

3. **POINT NO.1** : The decree holder has filed this petition U/o.21 Rule 32 of CPC contending that the JDRs and LRs of JDRs are will fully dis-obeying the decree of this court in O.S.No.72/2000. Now he has filed this application to give police protection in order to implement the decree.

4. After going through the material available on record, I found that the decree holder has filed this suit in O.S. No. 72/2000 for declaration and permanent injunction which was decreed by restraining the defendants/JDRs from interfering with the peaceful possession of the decree holder over Sy.No.22/2 measuring 03 acres 20 guntas situated at Bolani village. In the suit the JDRs have appeared and contested.

5. The contention of the petitioner is that even though the decree is in his favour, the JDRs and his LRs showing will-full disobedience to the order of this court. Hence, they are liable to be punished and sent to civil prison.

6. As per the above discussion, the decree in his favour of the decree holder and the contention of the decree holder is that the JDRs are interfering with the possession of the decree holder in the decreed property, the same is not denied by the JDRs. Hence this court has to accept the plea of the decree holder. It is also pertinent to note that a decree which is not executed becomes only a paper decree and the very purpose of passing of decree will not be having any weightage. If the decree is not executed/implemented the party who has the decree in his favour would suffer and justice will be restrained to him.

7. Under these circumstances I am of the opinion that decree holder has made out grounds to allow the application. Accordingly I answer the point No.1 in the **AFFIRMATIVE.**

8. **POINT NO.2** : As the point No.1 is answered in the affirmative I proceed to the following:

O R D E R

I.A. filed by decree holder U/Sec.151 of Code of Civil Procedure is hereby allowed.

The jurisdictional police is hereby directed to give police protection to the decree holder in order to implement/execute the decree by restraining JDRs from interfering with the decree holder on property land bearing Sy.No.22/2 measuring 3-acres 20 guntas situated at Bolani village, Tq. Aland by restraining JDRs from causing hindrance for possession and peaceful enjoyment of the decree holder over the above said property.

ADDL.CIVIL JUDGE & JMFC,
ALAND

Case is taken on today's board on the requisition filed by CPI Aland.

The police have filed requisition through APP requesting this court to grant permission to take the blood sample of Smt. Jagadevi W/o Naganna Gogashetty.

The police have stated in the requisition that in above case some person has been killed and to destroy the witness they have made the body unidentifiable. During the investigation the police have suspected that Rudrashetty @ Kalu S/o Naganna Gogashetty has been killed. Since the body is unidentifiable and the father of Rudrashetty has identified the clothes which was there on the body to be the clothes of Rudrashetty @ Kalu. Thus police wants to clarify whether Rudrashetty @ Kalu S/o Naganna Gogashetty was the person who has been killed or not. Hence they want to take the blood sample of the mother of whether Rudrashetty @ Kalu S/o Naganna Gogashetty.

Heard. Perused the requisition and other materials on record. On the compliant as well as in the requisition it is stated that the deceased was killed and his body is unidentifiable. Hence the body could not be identified properly.

Under these circumstances I fill it necessary that, to identify the body the blood sample of Smt. Jagadevi W/o Naganna Gogashetty purported to be mother of Rudrashetty @ Kalu S/o Naganna Gogashetty has to be

taken for DNA test to mach the blood samples of deceased.

ORDER

The police is permitted to take the blood samples of Smt. Jagadevi W/o Naganna Gogashetty for DNA test to mach the blood samples of deceased.

The police have to bring all the required persons, materials and the doctor for collecting blood samples on 04.12.2017 at 1.00.p.m. before the court.

Issue intimation of the above order to the I.O./CPI Aland.

Call on.04-12-2017

ADDL.CIVIL JUDGE & JMFC,
ALAND

FIR No.155/2017
(Narona P.S.Crime No.55/2017)

Case is taken on today's board on the requisition filed by CPI Aland.

The police have filed requisition through APP requesting this court to grant permission to take the blood sample of Smt.Sarswati @ Sarubai W/o Shrimanth Goundi.

The police have stated in the requisition that in above case some person has been killed and to destroy the witness kerosene was pourd on him and the body was burnt. During the investigation the police have suspected that Mallikarjuna S/o Shrimanth Goundi has been killed by the accused Dinesh and others. The accused Dinesh is also given a voluntary statement before the police that himself and other to persons had killed Mallikarjuna S/o Shrimanth Goundi. Since the body was fully burnt, the body could not be identified. The accused has given voluntary statement that himself along with other two persons have killed Mallikarjun

S/o Shrimanth Goundi. Thus police wants to clarify whether Mallikarjun S/o Shrimanth Goundi was the person how has been killed or not. Hence they want to take the blood samples of the mother of Mallikarjun S/o Shrimanth Goundi.

Heard. Perused the requisition and other materials on record. On the compliant as well as in the requisition it is stated that the deceased was killed and his body was burnt by pouring kerosene. Hence the body could not be identified properly.

Under these circumstances I fill it necessary that, to identify the body the blood samples of Smt. Sarswati @ Sarubai W/o Shrimanth Goundi the purported to be mother of Mallikarjun S/o Shrimanth Goundi has to be taken for DNA test to mach the blood samples of deceased.

ORDER

The police is permitted to take the blood samples of Smt. Sarswati @ Sarubai W/o Shrimanth Goundi for DNA test to mach the blood samples of deceased.

The police has to bring all the required persons, materials and the doctor for collecting blood samples on 11.10.2017 at 4.30.p.m. before the court.

Issue intimation of the above order to the I.O./CPI Aland.

Call on.11.10.2017

ADDL.CIVIL JUDGE & JMFC,
ALAND.

FDP.No.12/2017

Case called out.

Sri. SAP Advocate files I.A. under Sec. 224 of Karnataka Civil Rules of practice praying to appoint special bailiff to serve notice on R-1 to 7.

Heard. Perused materials available on record and order sheet. This court has issued notice on 07.08.2017 but the notices are awaited from two dates. Hence in order to serve the notice as soon as possible, this application is filed. Under these circumstances I feel it necessary to appoint special bailiff. Accordingly I pass the following

ORDER

I.A. filed by petitioner U/Sec.224 Karnataka Civil Rules of practice is hereby allowed.

Special bailiff is appointed to serve the notice of the petition on R-1 to 7.

Issue notice of petition to R-1 to 7 through special bailiff if proper steps taken.

Call on.16.01.2018

Addl. Civil Judge, Aland.

Case called out.

Sri. NSR Advocate files I.A. under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendant by way of paper publication.

O.S.No.214/2014

Perused the order sheet. Plaintiff has taken steps through court as well as by RPAD. Summons to defendant are returned un served as party out of station. Thus it is clear that defendant is evading the service of summons. Hence I feel it necessary to allow the application. Accordingly I pass the following

ORDER

I.A. filed by plaintiff U/O 5 Rule 20 of Code of Civil Procedure is hereby allowed.

Plaintiff is permitted to take paper publication.

Issue suit summons to defendant by way of paper publication in Samyukta Karnataka Kannada Daily News paper if citation is furnished and PF paid.

Call on 04-01-2018.

Addl. Civil Judge, Aland.

Case called out.

Sri. NSR Advocate files I.A. under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendant by way of paper publication.

Perused the order sheet. Plaintiff has taken steps through court as well as by RPAD. Summons to defendant are returned un served as party out of station. Thus it is clear that defendant is evading the service of summons. Hence I feel it necessary to allow the application. Accordingly I pass the following

ORDER

I.A. filed by plaintiff U/O 5 Rule 20 of Code of Civil Procedure is hereby allowed.

Plaintiff is permitted to take paper publication.

Issue suit summons to defendant by way of paper publication in Samyukta Karnataka Kannada Daily News paper if citation is furnished and PF paid.

Call on 04-01-2018.

Addl. Civil Judge, Aland.

The plaintiff has filed an application U/o 6 Rule 17 Code of Civil Procedure seeking amendment of cause title by removing the name of second defendant and to replace the name of the father of defendant No.3 as Shankrappa and replacing the as Ranappa. In the affidavit the plaintiff has contended that by oversight and on a typographical error the name of the father of defendant No.3 is wrongly typed as Shankrappa instead of Ranappa.

The counsel for defendants No.1 to 6 submitted no objections to allow the application.

Heard. Perused materials on record.

Upon perusal I found that the mistake crept in the cause title is just a typographical error. The proposed amendment will not create new cause of action nor it changes the nature of the suit. Hence I fell it necessary to allow the amendment application. Accordingly I pass the following:

O R D E R

I.A. filed by plaintiff U/o 6 Rule 17 is hereby allowed.

The plaintiff is directed to amend the cause title as per I.A.

Since the amendment is only to change the name of the father of defendant No.3, filing of amended plaint is dispensed with.

For W/S and objections.

call on: 14-12-2017

ADDL.CIVIL JUDGE & JMFC,
Aland

E.P. No. 16/2013

This E.P. is filed for recovery of money after filing of the petition cause notice was issued. JDr remained absent. Thereafter attachment of movables was issued. It is stated that JDr did not possess any moveable properties. Therefore attachment for immovable property of JDr was issued. Again JDr remained absent. Hence sale notice was issued. It was duly served to JDr the court is also given an opportunity for the appearance of JDr still JDr remained absent. Hence it is incumbent upon the court to issue sale warrant. Accordingly I passed the following:

O R D E R

Issue sale Proclamation of the property of JDr bearing Sy. No. 739/1 measuring 5 acres situated at Aland village Aland hobli Tq: Aland for recovery of amount of Rs. 2,33,976/-.

Issue intimation of sale proclamation to JDr and DHr.

The date of auction is fixed on 20-11-2017 at 10:00 a.m. at the above mentioned property.

The date of auction at the court is fixed on 27-11-2017 at 11:00 a.m.

call on : 27-11-2017

Addl. Civil Judge and JMFC,
Aland.

The counsel for the accused has filed an application U/Sec. 311 of CrPC seeking recall of PW-4 for the purpose of further cross-examination. The learned APP has filed objections to the application.

The counsel for the accused has argued that PW-4 has supported the case of prosecution and he is also informant and claimed to be the injured. He has already cross examined PW-4 but in the cross examination he has left out to cross examine him on the point of recovery of materials during the Panchanama.

I have carefully gone through the application. In the application the accused has not uttered a word about which subject he is going to cross-examine PW-4. But PW-4 is the injured cum informant. He has supported the case of prosecution. Hence accused has to be given sufficient opportunity to disprove the case of prosecution. Under these circumstances I feel it necessary to give an opportunity to the accused to

further cross-examine PW-4. Accordingly I pass the following:

O R D E R

I.A. filed by the accused U/sec 311 of CrPC is hereby allowed on cost of Rs. 500/-.

Accused is directed to cross-examine PW-4 only on the relevant portion. The cross-examination should not be with regard to civil matters.

Issue witness summons to PW-4.

Call on: 10-11-2017

Addl. Civil Judge and JMFC,
Aland.

Case called out.

Sri. MVE adv. filed memo stating that the plaintiff does not want to press the suit as the matter is settled out of court. He also prayed to refund full court fee paid by the plaintiff.

Perused and heard. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as not pressed in view of settlement outside the court.

Office is directed to refund court fee in favour of plaintiff as per rules.

ADD.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. MVE Advocate filed I.A.VII under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendants No.2 to 4 by way of paper publication.

Perused and heard. It appears that defendants No.2 to 4 are avoiding service of summons. Satisfied. Hence allowed.

Plaintiff is permitted to take substituted service.

Sri. MVE adv. filed I.A. VIII under Sec.151 CPC for extension of TI. Perused and heard. TI is extended till next date.

Sri. MMM adv. filed I.A. IX under Sec.151 CPC seeking time to file W/S of D-1. Perused and heard. Time granted.

Issue suit summons to defendants No.2 to 4 by way of paper publication in Kalaburagi vani Kannada Daily News paper if citation is furnished and PF paid.

For W/S of defendant No.1

Call on 01-07-2017.

Addl. Civil Judge, Aland.

Case called out.

Perused records. MKG advocate as filed memo producing paper citation. Perused the same. Citation has been duly published with date of appearance on 12.05.2017. No one appeared in response to paper publication.

Notice to respondent No.1 to 4 has also been duly served. They were absent on 12.05.2017 so also today.

For petitioner evidence, call on.01.06.2017

Addl. Civil Judge,
Aland.

Plaintiff and their counsel absent. SSC adv. filed I.A.IX under Sec.151 CPC. Allowed. TI is extended till further orders.

Call on

Crl Misc.No. 867/2016

Case called out.

Petitioner and Respondent are absent.

Sri.SAP adv. paid Rs.500/- to UKI adv. and submitted that entire payment is made.

Smt.UKI adv. filed memo stating that the petitioner has received entire claim amount of Rs.18,500/- and therefore the petition may be closed.

Perused and heard. Satisfied with the same.

In view of the submission made and memo filed, the present petition is dismissed as fully satisfied.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.330/2012

Case called out.

Accused is present and filed application under Sec.70-2 CrPC. Perused and heard. Allowed.

NBW to accused to cancelled on penalty of Rs.100/-.

Substance of accusation is recorded against the Accused for the offence punishable U/Secs.279, 337, 304-A of IPC and Sec.187 R/w Sec.134 of MV Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.
Call on 10-07-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.108/2014

Accused No.1 to 6 present.

Statement of accused No.1 to 6 is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against them are read over, explained and made known to them in the language known to them. They denied the same in toto and submitted that they do not have any evidence to lead.

For arguments.

Call on 13-06-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 to 6 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 6 for the offence punishable U/Sec.143, 147, 148, 323, 324, 354, 504 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No.1 to 6 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W.S to CWs.1 to 5.

Call on 07-07-2017.

Prl. Civil Judge and JMFC,
Aland.

Accused No.1 to 5 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 5 for the offence punishable U/Sec.143, 147, 148, 341, 324, 504 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No.1 to 5 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W.S to CWs.1 to 6.

Call on 05-07-2017.

Prl. Civil Judge and JMFC,
Aland.

Crl Misc.No.131/2015

Case called out.

Petitioner is present.

Respondent is produced under arrest warrant through ASI by name Ayyub Khan of Aland Police Station in Open Court.

Respondent submitted that he is ready to pay Rs.3000/- today. Accordingly he paid Rs.3000/- to the petitioner. He is directed to pay substantial amount on the next date of hearing.

ACT filed memo for continuation of the present petition for the subsiquent period.

The respondent is released with the above direction.

For orders on memo and for payment.

Call on 27-06-2017

Prl. Civil Judge, JMFC, Aland.

Crl Misc.No.1078/2016

Case called out

Respondent No.1 is produced before the court under FLW through HC-434 by name Shantamallappa by Aland Police Station.

Sri.BSN adv. filed application U/Sec.446 of CRPC on behalf of the respondent No.1 contending that the respondent No.1 is ready to deposit bond amount. He further contended that the respondent is poor and labour person and therefore he prayed to take lenient view while recovering forfeited bond amount.

Hence, considering the facts and circumstances of the case and submission made by the counsel, I proceed to pass the following order.

O R D E R

The application filed U/Sec. 446 of CRPC is allowed.

The respondent No.1 by name Laxman S/o Malakappa Jamadar is directed to deposit a sum of Rs.2000/- for each of the accused persons in lieu of the Bond amount executed by him.

Office is directed to collect a sum of Rs.4000/- from the respondent No.1.

It is sumbitted that the respondent No.2 and 3 have already deposited forefiated bail bond amount in the court in C.C.No.197/2013 on 23.09.2016.

Hence the petition is closed.

Prl. Civil Judge & JMFC,
Aland.

Accused No.2 and 3 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 2 and 3 for the offence punishable U/Sec.120-B, 419, 420 and 201 of IPC and Sec.66 (d) of IT Act.. The same is read over and explained to the accused No.2 and 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W.S to CWs.1 to 5.

Call on 04-07-2017.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.81/2012

Accused No.2 to 6 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.2 to 6 for the offence punishable U/Sec.143, 147, 148, 341, 504, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No.2 to 6 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W.S to CWs.1 to 5.

Call on 01-07-2017.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.382/2012

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.498-A, 504, 323 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 29-06-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.354/2009

Case called out.

Accused No.1 to 3 are present.

Heard APP and RJP advocate.

It is submitted by RJP adv. that the accused persons have not violated any of the conditions imposed by the court and they have maintained peace and good behaviour during the probation period.

The police have not reported violation of conditions of the order by the accused persons. Hence it is proper to release the accused persons by cancelling the bond executed by them.

Hence the bond executed by the accused No.1 to 3 is cancelled and they are released and set at liberty.

Prl. Civil Judge, JMFC, Aland.

C.C.No.371/2014

Case taken on today's board on the requisition filed by Aland Police.

Accused No.5 by name Rachayya Swamy S/o Madivalayya Swamy Ganachari is produced in the open court under arrest warrant by HC-434 of Aland Police Station.

On enquiry the accused submitted that he was arrested by the police this morning at 11.00 AM near Khajuri village boundary and he has not been ill-treated by the police and also that the fact of his arrest is intimated to his family.

On further enquiry the accused submitted that he himself will engage advocate for his defence. No bail application is filed for the accused and no surety is furnished.

Hence the accused No.5 is remanded to Judicial Custody.

Call on 01-06-2017.

Prl. Civil Judge, JMFC, Aland.

C.C.No.22/2012

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec.504, 323, 324 and 354 R/W Sec.34 of IPC. The same is read over and explained to the accused No. 1 to 4 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W.S to CWs.1 to 5.

Call on 03-06-2017.

Prl. Civil Judge and JMFC,
Aland.

Accused No.1 to 19 are present from Judicial Custody.

It is submitted by the police that the accused No.1 to 19 were produced before the incharge presiding officer on 13.05.2017 requesting for their remand and accordingly the accused persons have been in JC since then as per the order of the incharge officer.

Accused persons are informed of their right to free legal aid. The accused submitted that they themselves would engage advocate for them. No bail application is filed and no surety is furnished for the accused as on today.

Police filed remand application for extension of JC of accused No.1 to 19. Perused and heard. Satisfied with the reason stated therein. Hence the Judicial Custody of the accused persons is extended till 29.05.2017.

Call on 29-05-2017.

Prl. Civil Judge, JMFC, Aland.

C.C.No.38/2012

Case taken on today's board on the requisition filed by Aland Police.

Accused No.2 by name Ladappa @ Suryakant S/o Sharanabasappa Ashtagi is produced in the open court under arrest warrant by HC-434 of Aland Police Station.

On enquiry the accused submitted that he was arrested by the police this morning on Razvi Road, Aland and he has not been ill-treated by the police.

No bail application is filed for the accused and no surety is furnished.

Hence the accused No.2 is remanded to Judicial Custody.

Call on 20-05-2017.

Prl. Civil Judge, Aland.

C.C.No.373/2013

Case called out.
NBW unexecuted.
Accused is present and filed application under Sec.70-2 CrPC. Perused

and heard. Allowed. NBW to accused is cancelled on penalty of Rs.100/-.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.504, 324, 323 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 17-06-2017

Prl. Civil Judge & JMFC,
Aland.

Ex.No. 7/2013

Case called out.

Sri.BSN adv. filed memo stating that the Decree Holder has recovered entire decreetal amount and therefore it is not pressing the petition.

Perused and heard. Satisfied with the same.

In view of the submission made and memo filed, the present petition is dismissed as fully satisfied.

Office is directed to enter full satisfaction in the register.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.107/2016

Case called out.

Sri. KBB adv. filed I.A.VII under Order 9 Rule 7 of CPC for setting aside order of exparte passed against Defendant No.3.

Sri.MVE adv. stated no objection to allow I.A.VII.

Hence I.A.VII is allowed. Order of exparte passed against Defendant No.3 is set aside and she is permitted to contest the suit on merits.

Sri.KBB adv. filed power for defendant No.3 and 4. He also filed memo for defendant No.3 and 4 adopting W/S of defendant No.1.

Sri. MVE adv. filed objections to I.A. II to IV. He also filed application I.A.VIII under Sec.151 CPC for extension of TI. Perused and heard. TI is extended till next date.

Office is directed to verify whether summons issue to defendant No.5 is returned.

Call later.

Prl. Civil Judge, Aland.

Dt: 28-04-2017
Pet; MMM
For: Orders

Crl Misc No.1530/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Kadubai W/o Dattatray Karbari R/o Tadola as on 30-09-2010 at Tadola Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 28-04-2017
Pet; MMM
For: Orders

Crl Misc No.1531/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Dattatray S/o Nagoba Karbari R/o Tadola as on 27-09-1993 at Tadola Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 28-04-2017
Pet; KM
For: Orders

Crl Misc No.200/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Shivaraya S/o Chandrasha R/o Kotan hipparga as on 01-01-1981 in Kotan hipparga Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is present.

Sri. DSN adv. filed memo stating that, the plaintiff does not want to press the suit.

Perused and heard and satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.21/2012

Case called out

Accused No.2 is present and filed application under Sec.70-2 CrPC. Perused and heard. Allowed. NBW to A2 is cancelled on panelty of Rs.250/-

Surety by name Shamalu S/o Seetu Pawar n is present before the court.

Sri.KVR adv. filed application U/Sec.446 of CRPC on behalf of the surety contending that the whereabouts of the accused No.1 and 3 are not known to the surety and he prayed to discharge the surety as the surety is ready to deposit bond amount. It further contended that due to insufficient rain last year, the surety could not get much income and therefore he prayed to take lenient view while recovering forfeited bond amount.

Hence, considering the facts and circumstances of the case and submission made by the counsel, I proceed to pass the following order.

O R D E R

The application filed U/Sec. 446 of CRPC is allowed.

The surety of the accused No.1 and 3 by name Shamalu S/o Seetu Pawar is directed to deposit a sum of Rs.2000/- for each of the accused in lieu of the Bond amount executed by him.

Office is directed to collect a sum of Rs.4000/- from the surety.

Re-issue NBW to against A1 and 3.

Call on 24-06-2017.

Prl. Civil Judge & JMFC,
Aland.

Dt: 25-04-2017
Pet;MSH
For: Orders

Crl Misc No.220/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Nagamma W/o Basanna Sutar R/o Niragudi as on 29-12-2014 in Niragudi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. BAD filed I.A.VIII under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of notice on defendants No.4(a) by way of paper publication.

Perused and heard. It appears that defendants No.4(a) is avoiding service of summons. Satisfied. Hence allowed.

Plaintiff is permitted to take substituted service.

Issue suit summons to defendants No.4(a) by way of paper publication in Uday Vani Kannada Daily News paper if citation is furnished and PF paid.

Call on 02-06-2017.

Prl. Civil Judge, Aland.

Dt: 25-04-2017
Pet;SAP
For: Orders

Crl Misc No.221/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother-in-law by name Sugalabai W/o Hanamant Pujari R/o Savaleshwar as on 03-09-1985 at Savaleshwar Village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 25-04-2017
Pet;RJP
For: Orders

Crl Misc No.1446/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name

Basavantrao S/o Adeappa Jamadar R/o Salegaon as on 10-03-1995 in Salegaon Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 25-04-2017
Pet;BTS
For: Orders

Crl Misc No.170/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the grandfather of the petitioner by name Huvappa S/o Jattappa Hangargi R/o Tadakal as on 21-06-1985 at Tadakal Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 to 6 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 6 for the offence punishable U/Sec.143, 147, 148, 504, 341, 323, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1 to 6 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

CW1 is present. HE is examined as PW1 and Ex-P1 and 1(a) are marked.

Issue W.S to CWs.2 to 6.

Call on 18-05-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.226/2011

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Secs.295 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 27-05-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.277/2013

Accused No.1 to 14 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 14 for the offence punishable U/Sec.143, 147, 148, 504, 341, 447, 323, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1 to 14 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 19-05-2016.

Prl. Civil Judge and JMFC,
Aland.

O.S.No.40/2007

Case called out.

Sri.AWA adv. filed two IAs under Sec.151 of CPC to reopen the case and for permission to lead further evidence of defendant.

Sri. KAA adv. submitted that the applications may be allowed on cost.

Perused and heard. Satisfied with the reasons and submission made. Hence the applications are allowed on cost of Rs.100/-.

The case is reopened and defendant No.1 is permitted to lead further evidence.

Earlier cost of Rs.200/- and today's cost of Rs.100/- is paid by AWA to KAA adv.

Witness by name Srimant S/o Ramchandra is present and filed his affidavit in lieu of chief examination. He is examined as DW2 and Ex-D8(e) is marked. KAA adv. prays time for cross of DW2.

For cross of DW2 and arguments finally

Call on 26-04-2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No.35/2017

Sri. RJP Advocate filed application for impleading respondent No.3 to 6 in the petition.

Perused and heard. The proposed respondent are necessary parties in the petition. Hence the applicaton is allowed. and the petition is permitted to implead respondent No.3 to 6.

For amendment and amended petition

Call on 28-04-2017.

Prl. Civil Judge,Aland.

C.C.No.547/2011

Case called out.

Accused No.1 and 2 are present.

Heard on charge. No grounds are made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.324 and 504 R/w Sec.34 IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 26-04-2017

Prl. Civil Judge & JMFC,

Aland.

Crl.Misc.No.87/2008

Case called out.

Petition and respondenpt are absent.

Sri. BAD adv. filed memo stating that the respondent in this case is expired.

Heard and perused. Satisfied with the submission made and memo filed.

In view of the death of the respondent, the present petition is dismised as abated.

Prl. Civil Judge & JMFC,
Aland.

C.C.No.185/2014

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Secs.279, 338 and 304-A of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 24-05-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.17/2012

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.32 and 34 of KE Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 23-05-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.447/2012

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 304-A of IPC and Sec.177 and 187 R/w 134 of MV Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 25-04-2017

Prl. Civil Judge & JMFC,
Aland.

O.S.No.114/2008

Case called out.

Sri.AWA adv. filed IA. under Sec. 151 CPC seeking permission to deposit commissioner fee. Defendant and counsel are called out, absent. Hence IA is allowed and the plaintiff is permitted to deposit commissioner fee.

PF is paid.

AWA adv. also filed memo reporting that the defendant has expired recently leaving behind his LRs.

Issue commission warrant on deposit of commissioner fee as per earlier order.

For steps against LRs. of the defendants.

Call on 29-05-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.457/2009

Case called out.

PSI of Aland Police Stiation has submitted a requisition stating that the accused No.19 by name Firoz S/o Hafeezoddin Ansari and accused No.8 by name Firdosh S/o Babu Gouda Patel Ansari are one and the same person but through over sight two names were given in the charge sheet. Therefore he prayed to consider the same and proceed with the case.

Perused and heard APP on the requisition.

It is submitted by APP that the accused No.8 by name Firdosh S/o Babu Gouda Patel Ansari has already been acquitted after trial by this court in C.C.No.511/2001 and the present accused No.19 being the same person who was accused No.8 and who has already been acquitted, he prayed to close the present case.

Satisfied with the submisson made.

In view of the requisition filed by the police and submission made by APP, the present case against the accused No.19 is disposed off and the file is closed.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Accused No.1 and 2 are present.

Heard on charge. No grounds are made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.32 and 34 K.E Act. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 20-05-2017

Prl. Civil Judge & JMFC,
Aland.

22-11-2016
State- APP
S/S to A1 and 2

A1 and 2 present.

Call on 17-02-2017

I/C Prl. Civil Judge, Aland

17-02-2017
State-APP
A1 and 2-DSN
S/S to A1 and 2

A1 and 2 absent. Reissue S/S to A1 and 2.

Call on 18-04-2017

I/C Prl. Civil Judge, Aland

C.C.No.295/2016

Case called out.

Accused No.1 and 2 are present.

Heard on charge. No grounds are made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.341, 504, 323 and 506 R/w Sec.34 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 18-05-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.84/2012

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 304-A of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 18-05-2017

Prl. Civil Judge & JMFC,
Aland.

Dt: 19-04-2017
Pet;SAP
For: Orders

Crl Misc No.213/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Chaturabai W/o Basavalingappa Patil R/o Bommannalli as on 04-11-2000 at Bommannalli Village in the Death Register maintained by him and

issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 19-04-2017
Pet;SAP
For: Orders

Crl Misc No.214/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Basavalingappa S/o Shivappa Patil R/o Bommannalli as on 18-09-1996 at Bommannalli Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 19-04-2017
Pet: DSN
For: Orders

Crl Misc No.162/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandmother by name Zoharmabe W/o Badesab Khasake R/o Aland as on 17-10-2002 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.BAD adv. filed IA under Sec.151 CPC seeking permission to lead further evidence of plaintiff.

Sri.PVA adv. submitted no objection to allow the application. Hence I.A is allowed and the plaintiff is permitted to lead further evidence.

Earlier cost of Rs.250/- is paid by BAD to PVA.

Witness by name Siddappa S/o Chandappa Warik and Kishan S/o Loharama Rathod are present. They filed their affadivits in lieu of chif examination. They are examined as PWs.2 and 3 respectively and Ex-P13(a) is marked.

Sri.PVA adv. prays time for cross of PW2 and 3.

Call on 02-06-2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

Civil. Misc.No.2/2013

Case called out.

PW1 is called out, absent.

Sri.SAP advocate prays time for further chief of PW1.

Perused order sheet. Sufficient time is given for evidence but petitioner has not turned up to give further evidence. Even cost imposed is not paid.

It appears that the ppetitioner has no interest in the petition.

Hence the pettion is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 17-04-2017
Pet: BIS
For: Orders

Crl Misc No.1173/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Dhanaji S/o Chandu Rathod R/o Bhusnoor Tanda as on 26-12-2003 at Bhusnoor Tanda, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 17-04-2017
Pet: BIS
For: Orders

Crl Misc No.1174/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Mohan S/o Heeru Rathod R/o Koralli Tandaas on 05-04-2010 at Koralli Tanda, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 17-04-2017
Pet: BTS
For: Orders

Crl Misc No.168/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Andappa S/o Jettappa Hangargi R/o Tadakal as on 19-11-1998 in Tadakal village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 17-04-2017
Pet: BTS
For: Orders

Crl Misc No.169/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Shivamma W/o Andappa Hangargi R/o Tadakal as on 08-09-2010 in Tadakal village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 17-04-2017
Pet: GRP
For: Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Mallikarjun S/o Bhimasha Keramgi R/o Aloor (B) as on 03-01-2007 at Aloor (B), Tq.Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 to 6 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 to 6 for the offence punishable U/Sec.143, 147, 148, 504, 341, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1 to 6 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 25-04-2016.

Prl. Civil Judge and JMFC,
Aland.

Case called out.

Heard Sri. PNS and AWA Advocates.

The defendant has produced copy of order dated: 30.06.2016 passed in Civil Misc. No.3/2016 by the Hon'ble Prl. District Judge, Kalaburagi on a petition filed under Section 24 of C.P.C.

The operative portion of the said order reveals that, it is ordered that, O.S.No.247/2008 pending before the Addl. Civil Judge, Aland be withdrawn and made over to the Prl. Civil Judge, Aland to try alongwith O.S.No.3/2009. On perusal of the said operative portion it appears that, some typing mistake is occurred as the suit which is pending before this court is O.S.No.247/2008 and the case pending before Addl. Civil Judge, Aland is O.S.No.3/2009.

The counsels for the plaintiff and defendant also admitted the above mistake in the operative portion of the order.

I have gone through the above said order in detail, wherein the Hon'ble Prl. District Judge has discussed at para 7 that, O.S.No.3/2009 is a comprehensive suit being suit for declaration of right of easement and permanent injunction and O.S.No.247/2008 is a suit for permanent injunction and therefore, O.S.No.247/2008 is liable to be transferred to the Court, wherein O.S.No.3/2009 is pending, though there is mistake in referring the names of the Courts.

Thus, from the above said order, it is clear that, this case is ordered to be transferred to the Addl. Civil Judge, Aland wherein O.S.No.3/2009 is pending in order to avoid conflicting judgements being passed in the event of trial those suits by two different Courts. Therefore, satisfied with the submission made by the defendant and

counsel and hence, I proceed to pass following:

ORDER

In view of the order passed by the Prl. District Judge, Kalaburagi in Civil Misc.No.3/2016 dated: 30.06.2016, this case is transferred to the Addl. Civil Judge, Aland for trial.

Prl. Civil Judge,
Aland.

Sri.SEA adv. filed IA under Order 41 Rule 5(2) of CPC praying to stay the operation and execution of the judgment and decree passed by this court.

In the affidavit accompanying the application, the defendants No.2 and 3 have contended that they are intending to prefer appeal against the judgment and decree and that there is every hope that they would succussed in the appeal. Therefore it is prayed to allow the application.

No doubt the court has passed judgment and decree against the defendants, but they are having every right to challenge the judgement and decree by filing an appeal. The said right cannot be curtailed. Therefore it is just and necessary to stay the operation of the judgement and decree till the expiration of the period prescribed for preferring appeal.

Hence the application filed by the defendants No.2 and 3 under Order 41 Rule 5(2) of CPC is hereby allowed.

Accordingly the operation and execution of the judgement and decree is hereby stayed till the expiration of the time allowed to prefer appeal.

Prl. Civil Judge, Aland.

O.S.No.35/2017

Case taken on today's board on the advancement application filed by ACT adv.

Sri. ACT adv. filed power for defendant and also filed I.A.IV under Order 9 Rule 7 of CPC for setting aside order of exparte passed against Defendant.

Plaintiffs and counsel are called out, absent. Objections are taken as not filed.

Hence I.A.IV is allowed. Order of exparte passed against Defendant is set aside and he is permitted to contest the suit on merits.

Vakalat of defendant is taken on record.

For W/S and objections.

Call on 17-04-2017.

Prl. Civil Judge, Aland.

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.32 and 34 KE Act.The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 3.

Call on 17-05-2017

Prl. Civil Judge & JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Gundappa S/o Yeshwanth Kamble R/o Siroor (G) as on 09-11-2004 in Siroor (G) Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.240/2012

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.504, 324, 354 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 19-04-2017

Prl. Civil Judge & JMFC,
Aland.

FDP.No.4/2012

Case called out.

Arguments of PVA are already heard on the objections filed by the petitioner.

The petitioner has contended in the objections filed to the commissioner report that the commissioner has not made division of the property properly and has acted on the advice of the respondents No.1 and 2. The commissioner has not specified the share of the petitioner properly. Therefore the petitioner has prayed for reissue of commission warrant for fresh division of the suit property.

Sri.IRP for BAD adv. is present and he submitted that the respondents have no objection for fresh division of the suit property by the commisioner. He also

endorsed his submission on the order sheet.

FDP.No.4/2012

Hence, by the objections filed by the petitioner to the commissioner report and the submission made by the counsel for the respondents, it appears that the report is not acceptable to the parties and under such circumstances it is proper to redirect to commisioner to properly divide the property once again as per the decree.

Hence the report submitted by the court commissioner is hereby rejected and he is directed to divide the suit property once again as per the decree.

Office is directed to issue commissioner warrant.

For report call on 25-04-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.315/2015

Accused is produced under body warrant.

Sri. BIS adv. has filed application for recall of body warrant of accused. Perused and heard. It is submitted that these accused was in JC in some other case and therefore he could not keep himself present before this court. It is also submitted that this accused is released from JC in that other case.

Enquired with the court P.C. and the escort who produced the accused before the court. Satisfied with the submissions made by the counsel for the accused.

Hence, the application filed by the accused is allowed and the body warrant issued against accused is hereby cancelled.

Office is directed to intimate the order of cancellation of body warrant to Jail authorities.

For HBC

Call on 30-03-2017.

PR-.CIVIL JUDGE & JMFC,
ALAND

Accused is produced under body warrant.

Sri. ACT adv. has filed application for recall of body warrant of accused. Perused and heard. It is submitted that these accused was in JC in some other case and therefore he could not keep himself present before this court. It is also submitted that this accused is released from JC in that other case.

Enquired with the court P.C. and the escort who produced the accused before the court. Satisfied with the submissions made by the counsel for the accused.

Hence, the application filed by the accused is allowed and the body warrant issued against accused is hereby cancelled.

Office is directed to intimate the order of cancellation of body warrant to Jail authorities.

For HBC

Call on 06-04-2017.

PR-.CIVIL JUDGE & JMFC,
ALAND

C.C.No.164/2009

Case called out.

Accused No.2 is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.2 for the offence punishable U/Sec.32 and 34 KE Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 28-04-2017

Prl. Civil Judge & JMFC,
Aland.

`Crl Misc.No.24/2016

Case called out before lok Adalath.

The petitioner and respondent are present. The parties filed memo and submitted that the matter is settled between them and compromise petition is also filed before the court. Therefore the parties prayed to dismiss the suit as not pressed.

Perused and heard and also enquired with the parties.

Satisfied and accepted.

In view of the memo filed, the present petition is dismissed as not pressed.

Conciliator **Judicial Conciliator**

P.C.No._____/2016

Case called out before National lok Adalath

The Deputy Manager of the Complainant Company is present.

Counsel for the complainant Sri. BAD is also present and submitted that the matter is settled between the parties out of court.

The counsel filed memo reporting the compromise and praying to dispose of the case.

Perused and heard. Satisfied.

Inview of the memo filed, the present case is disposed of as settled out of court.

Conciliator **Judicial Conciliator**

Case called out.

Perused office endorsement mentioning that records of this case are received from Addl. Civil Judge, Aland as per order passed by the Hon'ble Prl. District Judge, Kalaburagi in Misc. Case No.12/2017.

Today PNS adv. filed memo producing certified copy of the order dated 01-03-2017 passed by the Hon'ble Prl.District Judge, Kalaburagi in Misc.Case No.12/2017.

Perused the said order and heard the counsel. It appears that by the above said order the case of O.S.No.159/2010 pending on the file of this court is withdrawn and made over to Addl. Civil Judge, Aland to try the same along with this case i.e. O.S.No.101/2010. But through oversight this file has been transferred to this court by the Addl. Civil Judge, Aland.

Therefore office is hereby directed to retransfer this case to the Addl. Civil Judge, Aland to try the same along with O.S.No.159/2010 as per the order of the Hon'ble Prl. District Judge, Kalaburagi.

Call on 22-04-2017 before the Addl. Civil Judge, Aland.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Perused office endorsement mentioning that records of O.S.No.101/2010 have been received from Addl. Civil Judge, Aland as per order passed by the Hon'ble Prl. District Judge, Kalaburagi in Misc. Case No.12/2017.

Today PNS adv. filed memo producing certified copy of the order dated 01-03-2017 passed by the Hon'ble Prl.District Judge, Kalaburagi in Misc.Case No.12/2017.

O.S.No.159/2010

Perused the said order and heard the counsel. It appears that by the above said order this case i.e. O.S.No.159/2010 is withdrawn and made over to Addl. Civil Judge, Aland to try the same along with O.S.No.101/2010 pending on the file of the said court. But through oversight file of O.S.No.101/2010 has been

transferred to this court by the Addl. Civil Judge, Aland.

Therefore office is hereby directed to transfer this case to the Addl. Civil Judge, Aland to try the same along with O.S.No.101/2010 as per the order of the Hon'ble Prl. District Judge, Kalaburagi.

Call on 22-04-2017 before the Addl. Civil Judge, Aland.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.10/2013

Case called out.

Plaintiff is called out, absent. His counsel is also absent. No representation

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence.

It appears that the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No.546/2011

Case called out.

FLW to respondent returned unexecuted.

Perused records of the case and found that this case has been registered as per order dated 13-10-2011 passed in C.C.No.225/2010 under Sec.446 of CrPC for recovery of forfeited bond amount. But instead of registering the case against the present respondent and his surety by name Shantappa S/o Iranna R/o Padasavalagi, the case is registered only against the respondent and not against the surety.

Therefor office is hereby directed to enter the name of the above surety in this case by adding his name in the Misc. Register as respondent No.2.

Reissue FLW against the respondents.

Call on 20-05-2017.

Prl. Civil Judge,Aland.

Dt:24-03-2017
Pet:BVK
For:Orders

Crl Misc.No.98/2017

eccc

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Hanamantappa S/o Virpakshappa Wale R/o Aland as on 01-01-1985 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:24-03-2017
Pet:BVK
For:Orders

Crl Misc.No.99/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandmother by name Nilamma W/o Hanamantappa Wale R/o Aland as on 10-11-1995 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

FDP No.2/2013

Case called out.

Sri. RJP Advocate is present he submits that he has no objections to I.A.No.I. He endorsed the same on the application. Hence in view of the submission and endorsement made I.A.No. I filed under Order 1 Rule 10 of CPC is allowed. The LRs of the deceased respondent No.1 are permitted to be impleaded as respondents No.15 to 18.

Sri. RJP Advocate filed objections to I.A. No. II to IV.

For carrying out amendment and hearing on IA.No.II to IV.

Call on

I/C Addl. Civil Judge & JMFC,
Aland.

Sri. RVG Advocate filed I.A. under Order 1 Rule 10 of CPC for impleading one Sridevi W/o Shivalingayya Swamy and Jagadevi W/o Veerpakshi Swamy, R/o Humanabad as defendants No.5 and 6 in the suit.

Issue notice of IA to proposed to defendants No.5 and 6 if PF paid.

Call on 18-10-2016.

Prl. Civil Judge,Aland.

FDP.No.1/2013

Case called out.

Court commissioner is present and filed application seeking police protection for execution of commission work.

In the application the commissioner has contended that at the time of visit to the property for execution of commission work, the respondent No.2 had caused obstruction in the work. Therefore he prayed to provide police protection to him. Sri RJP adv. is also present and submits that there was obstruction to the commissioner at the time of commission work.

Heard the commissioner and satisfied.

Therefore I proceed to pass the following.

ORDER

The application filed by the court commissioner is allowed.

The PSI of Aland police station is hereby directed to provide protection to the Court commissioner by providing one male constable and one female constable at the time of execution of commission work.

Office is directed to intimate the order to the concerned police.

For report of commissioner

Call on 30-05-2017

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 112/2016

Case called out.

Sri. BAD is present and submits that IA.No.II filed by the defendants for appointment of Court Commissioner may be allowed directing him to reply to the memo of instructions of the plaintiff as well. The plaintiff also filed his memo of instructions.

In the application the defendants have sought for measurement of land Sy.No.67/2 of Jawalaga (B) village only but in the memo of instructions, the plaintiff has sought measurement of land Sy.No.67/1 and 2 and also Sy.No.51. Thus if all the lands are surveyed, the controversy will be resolved.

Hence in view of the submission and endorsement made by BAD and memo of truncations of the plaintiff, IA No.II is allowed.

Senior Taluka Surveyor of Tahsil office, Aland is appointed as court commissioner to measure the land survey No.67/1 and 2 and Sy.No.51.

The commissioner is directed to measure the above said lands and also to comply with the memo of

instructions of the parties and submit his report to the court.

The fees of the commission s fixed at Rs. 1000/- tentatively.

The defendants are directed to deposit commissioner fee and process fee.

Office is directed to issue commission warrant after the above compliance by the defendants and after payment of PF.

Sri. BAD adv. filed I.A.No.III under Order 39 Rule 2(a) and also produced two photographs with memo.

PNS adv. prays time for objections to I.A.No.III.

Call on

PRL.CIVIL JUDGE,
ALAND

Case called out.

Sri. BAD Advocate filed IA. Under Order 7 Rule 14 CPC seeking permission to produce documents. SAP adv. submitted that I.A. may be allowed.

Perused and heard. Satisfied with the reasons. Hence the application is allowed. The plaintiffs are permitted to produce documents subject to admissibility in evidence. List with seven documents is filed.

For hearing on IA under Order 6 Rule 17 CPC and objections to IA filed under Sec.151 CPC dated 29-11-2016.

Call on 17.03.2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.3/2011

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 304-A of IPC and 187 R/w Sec.134 and Sec.181 R/w Sec.3 of MV Act.. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 26-04-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.98/2013

Case called out.

Accused No.1 to 3 are present.

Heard on charge. No grounds are made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec.341, 504, 323, 324 and 506 R/w Sec.34 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 25-04-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.276/2014

Case called out.

Accused No.1 to 5 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 5 for the offence punishable U/Sec.143, 147, 504, 341, 323 and 506 R/w Sec 149 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 27-04-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.144/2012

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 304-A of IPC and 187 R/w Sec.134 MV Act.. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 26-04-2017

Prl. Civil Judge & JMFC,
Aland.

Dt:20-03-2017
Pet:GRP
For:Orders

Crl Misc.No.117/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the ಕಜಣುಣುರಟಿಜಡಿ' father by name Basanna S/o Kallappa Sutar R/o Vaijapur as on 11-05-2011 at Vaijapur village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:20-03-2017
Pet:IRP
For:Orders

Crl Misc.No.122/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Maruti S/o Bhimanna Rokade @ Harijan R/o Hebli as on 30-10-2008 at Hebli village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:20-03-2017
Pet:ACT
For:Orders

Crl Misc.No.134/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's husband by name Abdul Aziz S/o Ismail Sab Shaikh R/o Aland as on 11-11-1995 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:20-03-2017
Pet:KVR
For:Orders

Crl Misc.No.126/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandfather by name Sangappa S/o Basappa Nippani R/o Aland as on 09-09-1978 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:20-03-2017
Pet:KVR
For:Orders

Crl Misc.No.127/2017

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Veersangappa S/o Gurubheemrao Nippani R/o Aland as on 06-01-1960 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is called out, absent.

Sri. SOM for AWA advocate preys time for plaintiff evidence.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence.

It appears that the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is called out, absent.

Sri.IRP for BAD advocate prays time for plaintiff evidence.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence. Even cost imposed is not paid.

It appears that the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.2, 3 and 5 present.

On perusal of records of the case, it appeared that, the charge framed against the accused persons needs to be altered. Hence the same is altered and re-framed against the accused No.2, 3 and 5 for the offence punishable U/Sec.143, 147, 148, 504 and 506 R/w Sec.149 of IPC. The same is read over and explained to the accused No.2, 3 and 5 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

APP and SOM Advocate submitted that, they do not want to recall or examine any witness on the altered charge.

For compliance call later

Prl. Civil Judge & JMFC,
Aland.

Reissue summons to CW4, 6 and 7.

Call on 28-04-2017

CMO

Case called out.

Accused No1 to 3 present.

Charge is framed against the Accused No. 1 to 3 for the offence punishable U/Sec. 504, 323 and 506 R/w 34of IPC. The same is read over and explained to the accused No. 1 to 4 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to cW1 to 5.

Call on 20-03-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.188/2015

Case called out.

Accused No1 to 3 present.

Charge is framed against the Accused No. 1 to 3 for the offence ಶಿಕ್ಷಾರ್ಹವಾದ U/Sec. 504, 323 and 506 R/w 34of IPC. The same is read over and explained to the accused No. 1 to 4 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to cW1 to 5.

Call on 20-03-2017

Prl. Civil Judge & JMFC,
Aland.

ORDER ON I.A. IV FILED UNDER ORDER 13 RULE 10 CPC

This application is filed by the defendant under Order 13 Rule 10 of CPC seeking direction to the plaintiff to produce original registered sale deed and construction permission with respect to the property purchased by the plaintiff from Narendra Deshmukh and located on the east of the suit property.

In the application the defendant has contended that during the cross examination, PW1 has admitted that there is a registered sale deed in favour of the Trust with regard to the property situated on the east of the suit property and purchased from Narendra Deshmukh. So also PW1 has admitted that there is a construction permission issued with respect to the said property. But those documents are not produced by the plaintiff in this suit. In the plaint sketch, the plaintiff has mentioned the location and measurement of the said property. On the other hand, the defendant has in his sketch clearly mentioned about the location of the suit property and all the relevant properties around it. The defendant claimed that for progress of the case, it is necessary to direct the plaintiff to produce the said documents. Hence defendant prayed to allow the application.

The plaintiff has filed objections to the application contending that the present suit is based on the registered sale deed in respect of the suit property which document is produced by the plaintiff before the court and that the defendant cannot direct the plaintiff to produce other documents of other properties which are irrelevant to the matters in issue. The burden is on the plaintiff to prove that he is the owner in possession of the suit property and either of the parties has nothing to do with the other properties of the Trust. Therefore the plaintiff prayed to dismiss the application.

I have heard the counsel on the application.

No doubt PW1 has admitted about the existence of registered sale deed and construction permission with regard to the property of the Trust situated on the east of the suit property as claimed by the defendant in the application. But the defendant has nowhere contended in the application as to why the said documents are required or are relevant to the matters in this case.

The defendant has not showed any ground in the application to call for the documents and also not showed as to how the documents are relevant to the present case. The written statement of the defendant reveals that he has denied the measurement of the suit property situated on the east of his property and also denied the location of the stone wall situated in between the suit property and his property. There are no pleadings in the written statement to the effect that the plaintiff has no property on the east of the suit property and also there are no pleadings to the effect that the suit property measures equal to the measurement of the property situated on its eastern side. Thus such being the facts of the case, I am of the opinion that the documents called for by the defendant are not material or relevant in this case. Therefore I proceed to pass the following.

ORDER

I.A.IV filed by the defendant under Order 13 Rule 10 of CPC is hereby dismissed.

For further cross examination of PW1

Call on 24-03-2017.

Prl. Civil Judge & JMFC,Aland

FIR.No.83/2017

Case called out.

Accused is not produced from JC for want of escort. Requisition is filed.

R/A filed for extension of JC. Hence JC of accused is extended till 25-03-2017.

Sri.SAK adv. filed memo of appearance of accused and bail application under Sec.437 of CrPC for released of accused on bail.

SAK Adv. also filed power for Sangappa S/o Ningappa and release application under Sec.457 CrPC and produced documents.

APP filed objection both the applications.

Heard on the applications.

For orders

Call on 14-03-2017

Prl. Civil Judge & JMFC,

Aland.

C.C.No.231/2016

Case called out.

Accused No1 to 4 ಚಿಡಿಜ present.

Charge is framed against the Accused No. 1 to 4 for the offence ಠಿಣಟ್ಟುಬಿಛುಟಜ U/Sec.341, 504, 323 and 506 R/w 34of IPC. The same is read over and explained to the accused No. 1 to 4 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to cW1 to 5.

Call on 15-03-2017

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Plaintiff and counsel are absent. No representation. PF is not paid for issue of notice to proposed D9 (b) and (c). Hence I.A.III to V are dismissed against proposed D2 (b) and (c).

The counsel for the proposed D1 (a) has submitted no objection on 07-03-2011 to allow I.A.III to V.

Hence I.A.III to V filed under Order 23 Rule 4, Order 22 Rule 9 of CPC and Sec.5 of Limitation Act respectively are allowed.

The delay caused in filing application is condoned, abatement is set aside and the plaintiff is permitted to bring LR of defendant No.9 on record as D9(a).

For carrying out amendment and filing amendment plaint.

Call on 23-03-2017.

Prl. Civil Judge, Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Laxman S/o Tukaram Ghanate R/o Aland as on 08-01-2015 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Srimanth S/o Laxman Ghanate R/o Aland as on 10-05-2015 at Aland in the Death Register

maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.498-A, 323 and 504 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 23-03-2017

Prl. Civil Judge & JMFC,
Aland.

O.S.No.203/2015

Case called out.

Defendants No.1, 2 and 4 to 7 are present.

Sri. HS advocate filed I.A.III under Order 9 Rule 7 of CPC for setting aside order of exparte passed against Defendant No.1 to 7.

Plaintiffs and ಭಿಠಣಟಿಜಟ are called out, absent. Objections are taken as not filed.

Hence I.A.III is allowed on cost of Rs.250/-. Order of exparte passed against Defendant No.1 to 7 is set aside and they are permitted to contest the suit on merits.

Sri.HS adv. filed power for defendants No.1 to 7 and also filed W/S of D1, 2 and 4 to 7. He also filef memo for defendant No.3 stating that the defendant No.3 adopts the W/S of defendants No.1, 2 and 4 to 7.

For compliance under Sec.89 and Order 10 of CPC and cost.

Call on 30-05-2017.

Prl. Civil Judge, Aland.

C.C.No.600/2013

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.498(a) 323 and 504 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 14-03-2017

Prl. Civil Judge & JMFC,
Aland.

O.S.No.138/2009

Case called out.

Plaintiff No.3 is present.

AWA adv. submitted that plaintiff No.2 has already led his evidence in this case as PW-1. However through oversight in the affidavit filed in lieu of chief examination, the name of plaintiff No.3 is mentioned. Further PW.1 is unable to come to

the court and to lead further evidence and also for cross examination. Hence he prayed to discard the said evidence of PW1.

Perused and heard. Satisfied with the submission made.

O.S.No.138/2009

Chief examination of PW.1 is discarded.

Plaintiff No.3 is present. He filed his affidavit in lieu of chief examination. He is examined as PW.2 and Ex-P1 is marked.

Plaintiffs have produced unregistered and unstamped partition deed in Urdu language. Hence office is directed to calculate stamp duty and penalty thereon and submit.

Call on 17-04-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.364/2014

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.468 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs. 1 to 5.

Call on 14-03-2017

Prl. Civil Judge & JMFC,
Aland.

Crl Misc.No.1160/2016

Case taken on today's board on the advancement application filed by P.C.1145 of Nimbarga Police Station.

In the application the police contended that the present case is registered against the respondents for recovery of forfeited bail bond amount and that the respondent No.1 is present before the court and is ready to pay the said amount.

Respondent No.1 by name Sadashiv @ Sadashivarao S/o Bhimashankar Alagudkar is present before the court.

Sri.BAD adv. filed application U/Sec. 446 of CRPC on behalf of the respondent No.1 contending that the respondent No.1 was operated for cataract and therefore he could not keep himself present before the court but for his absence, the court passed order thereby forfeiting the bail bonds. Therefore he prayed to take lenient view while recovering forfeited bond amount.

Hence, considering the facts and circumstances of the case and submission made by the counsel for the respondent No.1, I proceed to pass the following order.

O R D E R

The application filed U/Sec. 446 of CRPC is allowed.

The respondent No.1 is directed to deposit a sum of Rs. 2000/- in lieu of the Bond amount executed by him.

Office is directed to collect a sum of Rs. 2000/- from the respondent No.1.

Re-issue notice to respondent No.2.

Call on 11-04-2015.

Prl. Civil Judge & JMFC,
Aland.

O.S.No.57/2010

Case called out.

Sri.PNS adv. filed two IAs under Sec.151 of CPC to reopen the case and for recall of PWs 3 and 4 for cross-examination by the defendant.

Sri. MSH for PVA prays time for objections.

Perused and heard. No grounds are made out for granting of time for objections. Hence objections are taken as not filed.

The applications are allowed on cost of Rs.150/- each to PWs.3 and 4.

The case is reopened and PWs.3 and 4 are recalled for the purpose of cross examination by the defendant.

The plaintiff is directed to keep PWs.3 and 4 present on the next date of hearing.

For cost and cross of PWs.3 and 4.

Call on 15-04-2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.145/2015

Case called out.

MVE prays time for objections.

Sufficient time is already given but defendant has not filed objections. Hence objections to I.A. are taken as not filed.

I.A filed by plaintiff under Order 3 Rule 2 of CPC is hereby allowed and the plaintiff is permitted to conduct the case on behalf of the plaintiff.

For compliance under Sec.89 and Order 10 CPC finally

Call on 25-04-2017.

Prl. Civil Judge, Aland.

Case called out.

PW2 is present. He is fully cross examined by MVE adv.

Sri. BAD submits that plaintiffs have no further evidence. Hence plaintiffs evidence is closed.

Plaintiffs have filed an application under Order 13 Rule 9 CPC for return of exhibited documents i.e. Ex-P1 to Ex-P8 and Ex-P1 and 2(a).

It is submitted that the above documents are required by the plaintiffs for securing loan.

Perused and heard. The above all the documents are produced by the plaintiffs and are marked for them. They have also filed certified copies of those documents in substitution for the originals. Satisfied with the submission.

I.A. filed by the plaintiffs under Order 13 Rule 9 CPC is allowed. Office is directed to return the documents at Ex-P1 to Ex-P8 and Ex-P1 and 2(a) to the plaintiffs. Further the plaintiffs are directed to produce the original documents if ordered by the Court.

Sri. BAD also filed under Order 26 Rule 9 CPC.

For objections to I.A.

Call on 15-04-2017.

Prl. Civil Judge, Aland.

C.C.No.709/2015

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.341, 504, 324 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

CW1 is present. He is examined as PW1 and Ex-P1 is marked.

Issue W/S to CWs. 2 to 5.

Call on 15-03-2017

Prl. Civil Judge & JMFC,
Aland.

Case called out.

PW1 is absent.

Sri. MVE Advocate filed I.A. under Sec.151 CPC seeking permission to file W/S of defendants No.1 to 3. The application is accompanied by affidavit.

Plaintiff and counsel are called out, absent. Objections to IA are taken as not filed.

Hence, the application is allowed on cost of Rs.200/-. The defendant No.1 to 3 are permitted to file W/S.

Sri. MVE adv. filed W/S of defendant No.1 to 3. For compliance under Sec.89 CPC

Call on 26-04-2016.

Prl. Civil Judge, Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Shivaraya S/o Mallappa Jewaragi, R/o Bhusnoor as on 14-04-2010 at Bhusnoor village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Defendants No1 to 4 are called out, absent. His counsel is also absent.

No representation.

Perused order sheet. Sufficient time is given but defendants have not turned up to give evidence.

It appears that, the defendants have no interest in their counter claim.

Hence the counterclaim of the defendants is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.455/2015

Case called out.

Accused present. Perused Order sheet. Inspite of issuance of process repeated. Prosecution has failed secure CW18. Hence CW18 is dropped. Prosecution evidence is taken as closed. For 313 statement.

Call on 13-03-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.455/2015

Case called out.

Accused No1 and 2 are present.

Charge is framed against the Accused No. 1 and 2 for the offence punishable U/Sec.504, 324 and 323 R/w Sec.34 of IPC. The same is read over and explained to the accused No. 1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 to 6.

Call on 14-03-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.133/2015

Case called out.

Accused No1 and 2 are present.

Charge is framed against the Accused No. 1 and 2 for the offence punishable U/Sec.504, 324, 325, 323 and 506 R/w Sec.34 of IPC. The same is read over and explained to the accused No. 1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 to 5.

Call on 15-03-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.407/2015

Case called out.

Accused present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.498(A), 323, 504 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 to 5.

Call on 14-03-2017

Prl. Civil Judge & JMFC,
Aland.

O.S.No.124/2012

Case called out.

Smt.UKI adv. filed receipt issued by TLSC, Aland for having paid cost of Rs.100/-.

She filed IA under Sec.151 CPC to reopen the case to lead further evidence of the plaintiff and also filed another application under Order 16 Rule 1 R/w Sec.151 CPC seeking permission to file list of witness.

Sri.SSC adv. is called out absent. Objections to IAs. are taken as not filed.

Perused and heard. Satisfied with the reasons. Hence I.As are allowed.

O.S.No.124/2012

The case is reopened, plaintiff is permitted to file list of witness and to lead further evidence.

Witness by name Nabisab S/o Ismailsab is present and filed his affidavit in lieu of chief examination. He is examined as PW2.

Heard arguments.

Call on 16-03-2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:07-03-2017 **Crl**

Misc.No.116/2017

Pet:GVH
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Kalsumbee W/o Syed Hasansab R/o Aland as on 18-01-1989 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:07-03-2017 **Crl Misc.No.115/2017**
Pet:GVH
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Syed Hasansab S/o Syed Modinsab R/o Aland as on 21-03-1980 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.210/2016

Case called out.

Sri.SSC advocate filed I.A. IV under Sec.151 CPC seeking permission to file W/S of the defendant. The application is accompanied by affidavit.

Plaintiff and counsel are called out absent. Objections are not filed.

Perused and heard. Satisfied with the reasons.

Hence, the application is allowed on cost of Rs.100/-. The defendant is permitted to file W/S.

Sri. SSC adv. filed W/S of the defendant and also filed list with 24 documents.

For compliance under Sec.89 and Order 10 CPC

Call on 22-04-2017.

Prl. Civil Judge, Aland.

Plaintiff is absent.

His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given but plaintiff did not turn up to give evidence. Even cost imposed is not paid.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiffs and counsel are absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps by depositing process fee and supplying copy.

It appears that, the plaintiffs have no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is present.

Sri.PNS adv. filed memo stating that, the plaintiff wants to withdrawn the present suit and he prayed that the suit may be closed as withdrawn.

Perused and heard. Satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.525/2014

Case called out.

Respondent is present. Sri.SMM adv. filed power for respondent.

Petitioner No.1 and respondent are present and submitted that they have compromised to matter between themselves.

Parties filed joint compromise petition stating that the respondent has agreed to look after the petitioners well in future and the petitioners have also agreed that they would live with the respondent peacefully.

In view of the compromise, the parties prayed to allow the petition.

Perused and enquired with the parties. Satisfied and accepted.

For orders

Call before lok adalath on 11-03-2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.116/2016

Case called out.

PW1 absent. Her counsel is also absent. No representation.

Perused order sheet. Sufficient time is given but PW1 has not turned up to offer herself for cross examination.

It appears that, the plaintiff has no interest in the suit.

Hence chief examination of PW1 is discarded as she did not offer herself for cross examination. Suit of the plaintiff is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.311/2016

Case called out.

Accused is present.

Charge is framed against the Accused for the offence punishable U/Sec.504, 324 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 to 5.

Call on 07-03-2017

Prl. Civil Judge & JMFC,
Aland.

C.C.No.421/2013

Case called out.

Accused No1 and 2 are present.

Charge is framed against the Accused No. 1 and 2 for the offence punishable U/Sec.504, 324 and 354 of IPC. The same is read over and explained to the accused No. 1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 to 5.

Call on 19-04-2017

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Plaintiff is absent.

Sri.AWA adv. filed memo stating that, the plaintiff does not want to press the suit as the matter is likely to be settled out of court.

Perused and heard. Satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Accused No1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 to 7 for the offence punishable U/Sec.504, 323, 324 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No. 1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 to 5.

Call on 06-03-2017

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Plaintiff is absent.

Sri.AWA adv. filed memo stating that, the plaintiff does not want to press the suit as the matter is likely to be settled out of court.

Perused and heard. Satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.44/2006

Case called out.

Sri.AWA adv. filed IA under Sec.151 CPC seeking permission to file addl. W/S.

Sri. IRP for BAD submitted that IA may be allowed on cost. Hence in view of the submission made, IA is allowed on cost of Rs.100/-.

The defendant No.1 is permitted to file addl. W.S. AWA filed addl. W/S of defendant No.1.

Perused the pleadings. Addl. issues do not arise.

Sri.AWA adv. filed IA under Sec.151 of CPC to reopen the case and also filed another application under Sec.151 CPC seeking permission to lead further evidence of DW1.

Sri.IRP adv. submitted that I.As may be allowed on cost. Hence I.As are allowed on cost of Rs.100/- each.

The case is reopened and DW1 is permitted to lead further evidence.

DW1 is present. and filed his further examination in chief by way affidavit. His further examined. He is further examined in chief.

Sri.IRP adv. prays time for cross. For cost and cross of DW1.

Call on 10-03-2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff is absent.

His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given but plaintiff did not turn up to give evidence. Even cost imposed on the last date is not paid.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

On perused of the records of the case, it appears that issue No.4 needs to be amended thereby restricting the question of entitlement the plaintiff, defendant No.1 and 3. Further addl. issue is required to be framed to decided the question of entitlement to maintenance by the defendant No.2.

Hence in view of the same issue No.4 is amended and addl. issue No.2 is framed.

Sri. SAP adv. and PNS adv. submit that they do not have addl. evidence on the amended and added issue.

Heard further arguments.

Call on 10-03-2017

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. BAD Advocate filed IA. Under Order 7 Rule 14 CPC seeking permission to produce documents. SAP adv. submitted that I.A. may be allowed.

Perused and heard. Satisfied with the reasons. Hence the application is allowed. The plaintiffs are permitted to produce documents subject to admissibility in evidence. List with seven documents is filed.

For hearing on IA under Order 6 Rule 17 CPC and objections to IA filed under Sec.151 CPC dated 29-11-2016.

Call on 17.03.2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S No.245/2015

Case called out.

Sri. PNS Advocate filed IA.IV under Order 6 Rule 17 CPC for amendment of plaint. Memo of proposed amendment is filed.

The defendants No.1 to 7 are exparte.

Perused the application, affadivit and memo of proposed amendment. The amendment sought to be incorporated is in the natur e of explanation to what has already been pleaded. The proposed amendment will not change the nature of the suit.

Hence in view of the above reason, I.A. IV is allowed and plaintiff is permitted to amend the plaint as prayed for.

For carrying out amendment and for filing amended plaint.

Call on 15.03.2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:04-03-2017
Pet:MSH
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother in law by name Chandamma W/o Babasha Kannoli, R/o Kavalaga as on 02-03-2006 at Kavalaga village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:04-03-2017
Pet:MSH
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Babasha S/o Chandramappa @ Sharanappa Kannoli R/o Kavalaga as on 13-08-2010 at Kavalaga village Death Register

maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.AWA adv. submitted that I.As filed by the plaintiff may be allowed on cost.

Hence in view of the submission and endorsement made, three I.As filed by the plaintiff to reopen the case, fur permission to lead further evidence of PW1 and for permission to produced documents are allowed on cost of Rs.100/- each.

The case is reopened, the plaintiff is permitted to lead further evidence of PW1 and produced documents. Documents are taken on record.

Cost of Rs.300/- is paid by PNS to AWA.

PW.1 is present. She is further examined in chief and Ex-P-2 to 8 are marked. She is further cross examined by AWA advocate.

For arguments

Call on 10-03-2017

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.NSR advocate for defendant No.1 filed I.A. IV under Sec.151 CPC seeking permission to file W/S of the defendant No.1. The application is accompanied by affidavit.

Plaintiff and counsel are called out absent. Objections are not filed.

Perused and heard. Satisfied with the reasons.

Hence, the application is allowed on cost of Rs.100/-. The defendant No.1 is permitted to file W/S.

Sri. NSR adv. filed W/S of the defendant No.1.

NSR adv. also filed power for defendant No.8 and memo stating that the defendant No.8 adopts the W/S filed by defendant No.1.

Reissue S/S to defendant No.7.

Call on 18-04-2017.

Prl. Civil Judge, Aland.

C.C.No.287/2016

Accused is present.

On perusal of records of the case, it appeared that, additional charge for the offence punishable U/Sec.324 of IPC is required to be framed. Hence additional charge for the said offence. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

APP and SSC Advocate submitted that, they do not want to recall or examine any witness on the added charge.

For compliance call later

Prl. Civil Judge & JMFC,
Aland.

O.S No.9/2015

Case called out.

PW1 is present.

Sri. DSN Advocate filed IA. under Order 7 Rule 14 CPC seeking permission to produce documents.

Perused and heard. Allowed. The plaintiffs are permitted to produced documents. List with two documents is filed.

PW1 is further examined in chief and Ex-P4 and 5 are marked. Defendant No.2 and counsel are called out, absent. Hence cross by D2 is taken as nil.

D2 has not filed W/S.

For arguments

Call on 09.03.2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Accused No.1 to 7 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 to 7 for the offence punishable U/Sec.143, 147, 148, 341, 504, 326, 323 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1 to 7 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

` CW1, 4 and 5 are present.

CW1 is examined as PW-1 and Ex-P1 and 1(a) are marked.

CW4 is examined as PW-2 and Ex-P2 is marked.

CW5 is examined as PW-3 and Ex-P3 is marked.

At this stage, A.P.P. prays for issuance of process to C.Ws.2, 3 and 6 to 10. However the material witnesses have not supported the prosecution case, by the issuance of process to other witnesses and by their examination, no propose of the prosecution will be served. Hence the prayer of APP is rejected and C.Ws. 2, 3 and 6 to 10 are dropped. The prosecution side evidence taken as closed.

Since there is no incriminating circumstance appearing in the prosecution evidence, examination of accused U/Sec. 313 CRPC is dispensed with.

For Compliance

Call later

Prl. Civil Judge and JMFC,
Aland.

Accused is present.

Statement of accused is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against him are read over, explained and made known to him in the language known to him. He denied the same in toto and submitted that he does not have any evidence to lead.

Heard arguments.

For Judgment call on 10-03-2017

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:27-02-2016
Pet:BSN
For Orders

Crl Misc.No.1365/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Surendra S/o Sidramappa Birajdar R/o Padasavali as on 09-03-2008 in Padasavali village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:27-02-2016
Pet:BSN
For Orders

Crl Misc.No.1575/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Kanteppa S/o Sharanappa Ambaji R/o Koralli as on 25-08-1985 in Koralli village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:27-02-2016

Pet:DSN
For Orders

Crl Misc.No.695/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Simantabai W/o Gundappa Kamble R/o Siroor (G) as on 18-01-2007 at Siroor(G) in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.541/2009

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.504, 324 and 506 of IPC. The same is read over and explained to the accused in the language known to him.He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 15-03-2017.

Prl. Civil Judge and JMFC,
Aland.

Accused reported as dead. Police are filed copy of death extract. In view of death of accused case is abated.

Interim custody of vehicle is hereby made absolute.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.192/2009

Case called out.

Defendants and counsel are absent. Objections to applications are taken as not filed.

The plaintiff has filed IA under Sec.151 of CPC to reopen the case to lead further evidence of plaintiff and another IA under Order 7 Rule 14 CPC seeking permission to file documents. The applications are accompanied by affidavits.

Perused and heard. Satisfied with the reasons. Hence IAs are allowed. The case is reopened and the plaintiff is permitted to lead further evidence. She is also permitted to produce documents. The documents produced by plaintiff are taken on record.

For further evidence of plaintiff finally Call on 07-03-2017.

Prl. Civil Judge,
Aland.

E.P.No.06/201

Case called out.

Heard JNH for PNS on IA.I

IA.I is filed by the decree holder under Order 22 Rule 4 of CPC to bring LRs of Judgement debtor on record as JD1(a) to JD1(f). It is submitted that the Judgement debtor is has expired on 20.06.2014. The application has been filed on 09.09.2014 i.e., within the stipulated time.

Inspite of service of notice on IA, JD1(a) to (f) have remained absent and not filed objections.

Hence IA.I filed by decree holder under Order 22 Rule 4 of CPC is allowed. The decree holder is permitted to bring LRs of JD on record as JD1(a) to JD(f).

For carringout amendment and furnishing amended petition.

Call on 08-03-2017.

PRL.CIVIL JUDGE & JMFC,
ALAND

PW1 absent.

It appears that, the plaintiff has no interest in the suit.

Hence chief examination of PW1 is discarded and the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.23/2011

Case called out.

Sri.BAD adv. filed IA under Sec.151 of CPC to reopen the case. He aslo filed I.A. under Order 16 Rule 1 and 2 of CPC seeking permission to file list of witnesses. The applications are accompanied by affidavits.

Perused and heard. Satisfied with the reasons. Hence IAs are allowed on cost Rs.100/- each. The case is reopened and the plaintiffs are permitted to file list of witnesses. List of witnesses is filed. Cost is paid.

Witness by name Jayprakash S/o Lokappa Sanga is present. He filed his affidavit in lieu of chief examination. He is examined as PW-2.

MVE prays time for cross of Pw-2.

BAD also filed I.A U/O 13 Rule 9 CPC. for return of original documents.

For hearing and order.

Call on 08-03-2017.

Prl. Civil Judge,

Aland.

C.C.No.29/2011

Accused No.2 is present.

NBW to A-3 and 4 returned un executed.

Perused the records. Accused No.3 and 4 have been absent since long and whereas accused No.2 has been regularly appearing to the court. Inspite of issuance of repeated warrants, the police have not secured the presence of accused No.3 and 4. The case is of the year 2011 and if it is proceeded as it is, it will cause inconvenience to accused No.2. Further there is no possibility of securing the accused No.3 and 4 within a reasonable time in near future.

There fore case against accused No.3 and 4 is split up.

Office is directed to register split-up case against accused No.3 and 4 and issue direction to I.O. to file split-up charge sheet against accused No.3 and 4.

Call on.14.03.2017

PRL.CIVIL JUDGE & JMFC,
ALAND

PW1 absent.

KPT for PNS prays time to keep PW1 present.

Perused order sheet. PW1 has been absent since long and has not offered himself for cross examination.

It appears that, the plaintiff has no interest in the suit.

Hence chief examination of PW1 is discarded and the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Sri. GRP for NGB adv filed IA under Sec.151 CPC for extension of TI. Perused and heard. Allowed. TI is extended till further orders till next date.

Office is directed to issue letter to postal authority seeking clarification about service of summons to the defendants.

Call on 08-03-2017

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Defendants No.1 to 6, 8 and 9 are present.

Sri. BAD advocate filed I.A.under Order 9 Rule 7 of CPC for setting aside order of exparte passed against Defendant No.1 to 6 , 8 and 9.

Sri.MVE adv. submitted that IA may be allowed on cost. Hence I.A.V is allowed on cost of Rs.500/-.Order of exparte passed against Defendant No.1 to 6, 8 and 9 is set aside and they are permitted to contest the suit on merits.

Sri.BAD adv. filed power for defendants No.1 to 6, 8 and 9.

Defendant No.8 filed memo returning the copies of summons and plaint received by him on behalf of the defendant No.7 and stating that the defendant No.7 has questioned him for receiving the summons.

On enquiry the defendant No.8 submitted that the defendant No.7 is his brother's son. Since the summons issue to defendant No.7 is served on defendant No.8 who is member of his family and since he has knowledge of the suit, there is no necessity to reissue summons to defendant No.7 and he has already been placed exparte.

For payment of cost and W/S of defendants No.1 to 6, 8 and 9.

Call on 16-03-2017.

Prl. Civil Judge, Aland.

Case called out.

Perused records.

Sri.MMM advocate has file I.A. on 13.01.2017 under Sec.151 CPC seeking permission to file W/S, and counter claim of the defendant. The application is accompanied by affidavit.

Plaintiff and counsel are called out absent. Objections are not filed.

Perused and heard. Satisfied with the reasons.

Hence, the application is allowed on cost of Rs.250/-. The defendant is permitted to file W/S and counter claim.

Sri. MMM adv. has already filed W/S and counter claim of the defendant and has also paid Court fee of Rs.50/- on counter claim.

For payment of cost and rejoinder to counter claim.

Call on 15-03-2016.

Prl. Civil Judge, Aland.

O.S No.65/20098

Case called out.

Sri. SAP Advocate filed IA. under Order 7 Rule 14(3) CPC seeking permission to produce documents.

Sri.IRP for BAD submitted that IA may be allowed on cost.

Perused and heard. Allowed on cost of Rs.100/-. The defendants are permitted to produced documents. List with three documents is filed.

For hearing on I.A. under Order 6 Rule 17 CPC

Call on 03.03.2017.

PRL.CIVIL JUDGE & JMFC,

ALAND

Issue notice to respondent.

Call on 11-03-2017

I/C Prl. Civil Judge, Aland.

Dt: 12-01-2017
Plt:KAK
Def:MVE
For argument.

P.O is on CL.

Call on 17-01-2017.

CMO

Dt: 17-01-2017
Pltf:KAK
Def: MVE
For Hg on Pril.Issues

Advocate for plaintiff pray time to argue on preliminary Issues
Time granted as last chance
Call on 23-01-2017

I/C Prl. Civil Judge,

Aland.

Dt: 23-01-2017
Pltf:KAK
Def: MVE
For Hg on Pril.Issues

Heard Sri.KPT on preliminary Issues
For orders
Call on 30-01-2017

I/C Prl. Civil Judge,

Aland.

Reissue not ice to respondent.

Call on 04-03-2017.

CMO

Accused absent. Reissue attachment warrant against accused.

Call on 13-03-2017.

I/C Prl. Civil Judge, Aland.

Heard Sri.KPT for KAA on preliminary
Issues
For orders
Call on 30-01-2017

Dt: 23-01-2017
Pltf:MSH
Def: MVE
For Hg on Pril.Issues

Heard Sri.KPT on preliminary
Issues
For orders
Call on 01-02-2017

I/C Prl. Civil Judge, Aland.

Issue notice to R1 to 3.

Call on 01-10-2016.

I/C Prl. Civil Judge,
Aland.

ccused present.
For HBC.

Call on 27-03-2017

I/C Prl. Civil Judge, Aland.

Dt: 17-01-2017
Pltf:KAA
Def: MVE
For Hg on Pril.Issues

Advocate for plaintiff pray
time to argue on preliminary Issues
Time granted as last chance
Call on 23-01-2017

I/C Prl. Civil Judge, Aland.

P.O. is on CL

Call on 17-01-2017

CMO

Reissue notice to respondents and paper citation.

Call on 01-02-2017

I/C Prl. Civil Judge, Aland.

Dt: 18.02.2017
Pet:GVH
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Tameejabee W/o Gudusab Daruwale, R/o Aland as on 05-02-2009 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 16.02.2017
Pet:SSC
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Mahalingappa S/o Bhojappa Pattanshetty, R/o Kodalhangarga as on 23-04-1987 at Kodalhangarga, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 16.02.2017
Pet:SSC
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Ratnabai W/o Cholappa Kore, R/o Munnoli as on 06-07-1966 at Munnoli village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 13.02.2017

Pet:MSH **Crl. Misc.No.1548/2017**
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Fhannu S/o Chandu Kale, R/o Shakapur as on 28-11-2004 at Shakapur Village in death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 13.02.2017
Pet:MSH **Crl. Misc.No.1549/2017**
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Meerali S/o Chandu Kale, R/o Shakapur as on 24-07-2003 at Shakapur Village in death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 13.02.2017
Pet:MSH **Crl. Misc.No.1549/2017**
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Rudru S/o Chandu Kale, R/o Shakapur as on 18-01-2005 at Shakapur Village. Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 13.02.2017
Pet:MSH
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Samu S/o Sangu Kale, R/o Shakapur as on 01-10-2010 at Shakapur Village in death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 13.02.2017
Pet:MSH
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Jeegu S/o Sangu Kale, R/o Shakapur as on 04-01-2008 at Shakapur Village in death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 10.02.2017
Pet:JNH
For Orders

Crl. Misc.No.1571/2016

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Heerachand S/o Jinraj Patil, R/o Aland as on 23-01-1980 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 10.02.2017
Pet:RJP
For Orders

Crl. Misc.No.1362/2016

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Late Malkarjappa S/o Ningappa Sutar R/o Bhusnoor as on 01-07-1998 at Bhusnoor Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 10.02.2017
Pet:JNH
For Orders

Crl. Misc.No.1572/2016

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Padmavati W/o Late Heerachand Patil, R/o Aland as on 13-10-2004 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 08.02.2017
Pet:SAP
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Bhavaneppa S/o Basvanthraya Hanjagi R/o Hadalgi as on 08-10-2001 at Hadalgi village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 08.02.2017
Pet:DHH
For Orders

Crl. Misc.No.1589/2016

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Kashinath S/o Malkarjappa Sutar, R/o Benni Siroor as on 13-08-1986 at Benni Siroor Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 08.02.2017
Pet:BVK
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Gourabai W/o Ambadas Salunke, R/o Aland as on 22-10-2006 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 07.02.2017
Pet:SAP
For Orders

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Gourabai W/o Bhavaneppa Hanjagi, R/o Hadalgi as on 04-08-2004 at Hadalgi village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 03.03.2017
Pet:KUI
For Orders

Crl. Misc.No.1523/2016

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Dastagir S/o Lalde Patel, R/o Gulhali as on 11-10-1987 at Gulhali Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 03.03.2017
Pet:KUI
For Orders

Crl. Misc.No.1524/2016

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Mariyam Bee W/o Dastagir Patel, R/o Gulhali as on 07-12-1990 at Gulhali Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 30.01.2017
Pet:SYU
For Orders

Crl. Misc.No.1505/2016

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Prabhu S/o Sangram Brammani, R/o Nimbarga as on 20-04-1994 at Nimbarga Village, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by Kalyani S/o Shivaraya Panchal, R/o Rudrawadi as on 14-09-2011 at Rudrawadi in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Pachasab S/o Imamsab Sawalgi, R/o Aland as on 20-10-1970 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandmother by name Dhondubai W/o Kashinath, R/o Benni Siroor as on 31-12-2000 at Benni Siroor Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

ssDt:24.01.2016
Petitioner:DBK
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by Kalyani S/o Mailari Maratha, R/o Bhusnoor as on 09-06-2006 at Bhusnoor in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:19.01.2016
Petitioner:DBK
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Gaibanna S/o Andappa Bilage, R/o Bhusnoor as on 19-09-1979 at Bhusnoor Village, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:19.01.2016
Petitioner:SSC
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Fatrusab S/o Hussainsab Mulla, R/o Tadola as on 20-10-1988 at Tadola Village, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:19.01.2016
Petitioner:SSC
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Gangabai W/o Bhanudas Chillal, R/o Aland as on 24-07-1996 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed

The Respondent No.1 is directed to enter the date of death of the Petitioner's brother by name Tammanna S/o Hanamant Jamadar, R/o Bhusnoor as on 19-09-1972 at Bhusnoor Village Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Revu S/o Roopalu Chavan, R/o Madyal Tanda as on 25-06-2012 at Madyal Tanda in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

(Dictated to the Typist on Computer directly, typed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the 10th day of January -2017).

(MAHAVIR.M.KARENNAVAR)
I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 10-01-2017
Petitioner: SAP
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Iranna S/o Anandappa Bidi, R/o Koralli as on 25-09-2007 at Koralli Village, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No.1396/2016

Dt: 10-01-2017
Petitioner: MMM
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Shivabai W/o Dharma Gayakvad, R/o Tadola as on 15-07-1981 at Tadola village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No.1425/2016

Dt: 10-01-2017
Petitioner: MMM
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by Gurubasappa S/o Ramanna Dhage, R/o Khajuri as on 20-03-1999 at Khajuri village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 10-01-2017
Petitioner: KM
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Sharanappa S/o Rachappa Balbatti, R/o Rudrawadi as on 21-08-2000 at Rudrawadi Village, Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 10-01-2017
Petitioner: KM
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by Srimanth S/o Basappa Kasture, R/o Khajuri as on 18-05-1995 at Khajuri village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 06-01-2017
Petitioner: MK
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's Paternal Uncle by name Anant S/o Ladappa, R/o Jidaga as on 17-01-2011 at Jidaga Village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 06-01-2017
Petitioner: MK
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Tukaram S/o Nagu, R/o Anoor as on 27-

09-1992 in Anoor village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 06-01-2017
Petitioner: MK
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Sidramappa S/o Hanmanth R/o Dhangapur, as on 10-11-1957 at Dhangapur Village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 05-01-2017
Petitioner: BGB
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Manikarao S/o Ragappa, R/o Battarga as on 20-08-2000 at Battarga village, Tq. Aland, in the Death register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 05-01-2017 **Crl Misc. No.1386/2016**
Petitioner: SAP
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by Mallinath S/o Sharanappa Madiwal, R/o Savaleshwar as on 23-03-2008 at Savaleshwar in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Ramchandra S/o Ladappa Jidaga, R/o Aland as on 10-06-1999 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 06-12-2016
Petitioner Adv: BGB
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

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The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by Saibanna S/o Ningappa Metre, R/o Korahalli as on 10-10-2010 at Korahalli Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt: 08-12-2016 **Crl.Misc.No.922/2016**
Petitioner Adv: BGB
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Kadappa S/o Shrimant, R/o Battarga as on 10-01-2010 at Battarga Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:06-12-2016
Petitioner Adv: DBK
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Tarabai W/o Naganna Javalagi R/o Aland as on 10-03-1994 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Issue notice to respondent.

Call on 17-12-2016

I/C Prl. Civil Judge, Aland

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Zaheerabee W/o Abdul Hameed Jallumeera, R/o Aland as on 21-06-2006 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Murari S/o Laxman, R/o Aland as on 20-12-2000 at Sharan Nagar, Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Machhendra S/o Basavanappa R/o Ambalaga as on 09-06-2011 at Ambalaga in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Ramalingappa S/o Kallappa R/o Rajawal as on 10-02-2004 in Rajawal village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by Motiram S/o Nanu Pawar R/o Jamaga (R) Tanda as on 17-01-1990 at Jamaga (R) Tanda in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandmother by name Gurubai W/o Gurulingappa Beli, R/o Dhangapur as on 15-02-1997 at Dhangapur Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

A1 and 2 present.

For HBC

Call on 27-02-2017

I/C Prl. Civil Judge, Aland

NBW issued against A6 is returned as un executed. Reissue NBW to A6 and directions to I.O. to file split up charge sheet.

Call on 27-02-2017

I/C Prl. Civil Judge, Aland

BAD prays time for steps.

Call on 31-01-2017.

I/C Prl. Civil Judge, Aland

Call on 22-02-2017.

I/C Prl. Civil Judge, Aland

Accused 2 to 4 present.

A-1 absent. E/A filed heard and allowed.

Call on 17-02-2017.

I/C Prl. Civil Judge, Aland

Accused 1 to 3 present.

For HBC.

Call on 20-02-2017.

I/C Prl. Civil Judge, Aland

Summons served.

Accused 1 to 3 present.

Call on 20-02-2017.

I/C Prl. Civil Judge, Aland

Advocate for plaintiff and advocate for defendant present.

Advocate for defendant filed application under Sec.151 CPC pray time to file W.S and objection to I.A.II and he requested the court to post the matter on 28-11-2016.

For W/S and objections

Call on 28-11-2016.

Addl. Civil Judge, Aland

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Ashok S/o Shantappa as on 29-08-2005 at Hittal Shiroor village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Maruti S/o Basappa, R/o Dhangapur as on 13-09-2010 at Dhangapur village, in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

S/S and E/N served on the defendant. MVE Advocate filed vakalat for defendant and pray time to file W/S and objection. KAK process for order on I.A.II. Heard and both parties are directed to maintain statuesque with respect to the possession over the suit property till next date.

For W/S and objections

Call on 25-11-2016

I/C Prl. Civil Judge, Aland

Reissue notice to respondent and paper publication.

Call on 14-12-2016.

I/C Prl. Civil Judge, Aland

KAK and MVE present. MVE pray time for objection and W/S. KAK filed application under Sec.151 CPC. Seeking extension of Statuesque. Heard and statuesque extended till filing of objection.

For W/S and objections on I.A.II.

Call on 24-11-2016.

Addl. Civil Judge, Aland

Advocate for plaintiff present. S/S and E/N to defendant served. Sri. M.V.Ekbote advocate filed vakalat for defendant and pray time to file W.S. and objection. Advocate for plaintiff press for Order on I A.II. Parties are directed to maintain statuesque with respect to possession over the suit property till next date of hearing.

Call on 14-11-2016.

I/C Prl. Civil Judge,

Aland

Issue S/S to D1 and 2 by RPAD if charges paid.

Call on 22-01-2017

I/C Prl. JMFC, Aland

UN Registered PC

For Sworn Statement

Call on

I/C Prl. Civil Judge & JMFC
Aland.

After refereeing the complaint under Sec. 156(3) Cr.P.C to the Jurisdiction Police station, on the basis of the reference made by this court Aland police have submitted FIR in their P.S.Cr.No.151/2016. Hence this case is closed and numbered as FIR No.395/2016.

KAK for plaintiff present.

MVE advocate filed vakalat for defendant and pray time for W.S and objection t bo I.A.II.

Both parties are directed to maintain statuesque with respect to the possession over the suit property till next date.

Call on 14-11-2016.

I/C Prl. Civil Judge & JMFC
Aland.

Accused No.20 and 22 are present. For HBC

Call on 10-01-2017

I/C Prl. JMFC, Aland

Issue notice to
complainant and accused.
Call on 02-01-2017.

I/C Prl. JMFC, Aland

For Sworn Statement

Call on 02-01-2017

Case called out, Accused present.

For plea

Call on 10-01-2017

I/C Prl. Civil Judge, Aland

Reissue notice to R1 to 8 and paper publication.

Call on 21-11-2016

C.C.No. 528/2015.

Case called out.

Summons to accused is returned unexecuted with report with a copy of death certifcate of accused stated that accused died on 18-11-2015.

In view of death of accused case is abated.

The properties of the case are worthless and the same shall be destroyed.

Case closed as abated.

Prl. Civil Judge and JMFC
Aland.

NBW un executed, Reissue

NBW to A1 and 2.

Call on

The SHO of Aland Police Station has submitted requisition stating that, the present case is registered for the offence punishable under Sec. 279, 337 and 338 of IPC but now the injured by name Shivappa S/o Sharanappa Pujari has succumbed to the injuries sustained by him in the accident. Therefore the SHO has requested the Court to permit him to incorporate the offence punishable under Sec.304-A of IPC in the investigation.

Perused the requisition, records of the case and heard. The requisition is accompanied by case diary. Satisfied with the submission.

Hence, the police are permitted to incorporate the offence punishable under Sec.304-A of IPC in the investigation.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Accused No.1 to 7 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 to 7 for the offence punishable U/Sec.143, 341, 504 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1 to 7 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 19-12-2016.

Prl. Civil Judge and JMFC,
Aland.

Accused No.14 and 15 are called out absent.

Sri. BAD adv. filed application under Sec.317 of CrPC praying the court to split up case against the accused No. 14 and 15.

Perused the application. The counsel has contended that the accused No. 14 and 15 are absent since long and all attempts to secure their presence are met with no success and therefore it is just and proper to split up case against those accused persons.

Perused the records. Accused No. 14 and 15 have been absent from the date of registration of the case and whereas the other accused persons are regularly appearing to the court. Inspite of issuance of repeated warrants, the police have not secured the presence of accused No. 14 and 15. The case is of the year 2011 and if it is proceeded as it is, it will cause inconvenience to other accused persons. Further there is no possibility of securing the accused No. 14 and 15 within a reasonable time in near future.

Therefore the application is allowed and the case against accused No. 14 and 15 is split up.

Office is directed to register split-up case against accused No. 14 and 15 and issue direction to I.O. to file split-up charge sheet against accused No. 14 and 15.

For HBC

Call on 13-10-2016.

Prl. Civil Judge and JMFC,
Aland.

Case called out.

Accused No.1 and 3 to 13 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 and 3 to 13 for the offence punishable U/Sec.143, 147, 148, 504, 326 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1 and 3 to 13 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 19-12-2016.

Prl. Civil Judge and JMFC,
Aland.

Accused No.19 and 20 are called out absent.

Sri. BAD adv. filed application under Sec.317 of CrPC praying the court to split up case against the accused No.19 and 20.

Perused the application. The counsel has contended that the accused No.19 and 20 are absent since long and all attempts to secure their presence are met with no success and therefore it is just and proper to split up case against those accused persons.

Perused the records. Accused No.19 and 20 have been absent from the date of registration of the case and whereas the other accused persons are regularly appearing to the court. Inspite of issuance of repeated warrants, the police have not secured the presence of accused No. 19 and 20. The case is of the year 2011 and if it is proceeded as it is, it will cause inconvenience to other accused persons. Further there is no possibility of securing the accused No.19 and 20 within a reasonable time in near future.

There fore case against accused No. 19 and 20 is split up.

Office is directed to register split-up case against accused No. 19 and 20 and issue direction to I.O. to file split-up charge sheet against accused No.19 and 20.

For HBC

Call on 13-10-2016.

Prl. Civil Judge and JMFC,
Aland.

Case called out.
Accused No.1, 2, 4 to 18 and 21 to 23 are present.
Heard on charge. No grounds made out for dis

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Charge is framed against the Accused No. 1, 2, 4 to 18 and 21 to 23 for the offence punishable U/Sec.143, 147, 148, 504, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1, 2, 4 to 18 and 21 to 23 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 19-12-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.377/2011

Accused No.1 and 3 to 26 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 and 3 to 26 for the offence punishable U/Sec.143, 295-A and 114 R/W Sec.149 of IPC. The same is read over and explained to the accused No. 1 and 3 to 26 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 19-12-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.88/2012

Case called out.

Proclamation issued against the accused No.3 and 5 is duly published on 25-08-2016.

Proclamation issued against the accused No.30 is duly published on 27-08-2016.

Accused No.3, 5 and 30 are called out, absent.

Issue attachment warrant against the accused No.3, 5 and 30 and directions to IO furnish particulars of the property of accused No.3, 5 and 8.

Call on 29-11-2016

Prl. Civil Judge and JMFC
Aland.

Dt:16-11-2016 **Crl. Misc. No.1182/2016**
Pet:MSH Adv.
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Baburao S/o Siddappa Wade, R/o Salegaon as on 19-02-1982 at Salegaon Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

I/C PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:01-10-2016
Pet:RJP Adv.
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Shivagangawwa W/o late Malkarjappa @ Mallikarjun Koli, R/o Tambakhwadi Village as on 15-04-1983 at Tambakhwadi Village Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:13-10-2016
Pet:BSN Adv.
For Orders

Crl Misc.No.1055/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Sharanappa S/o Saibanna Hatte, R/o Telekuni as on 10-07-1992 at Telekuni Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:13-10-2016
Pet: IRP Adv.
For Orders

Crl Misc.No.986/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Bheemanna S/o Somanna Salagare, R/o Jirahalli as on 08-11-2007 at Jirahalli Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:07-10-2016
Pet:SYU Adv.
For Orders

Crl Misc.No.778/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandfather by name Nageendrappa S/o Ninganna Sivade R/o Hadalagi as on 15-08-2008 at Hadalagi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:07-10-2016
Pet:SYU Adv.
For Orders

Crl Misc.No.777/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Satalingawwa W/o Ningappa Sivade R/o Hadalagi as on 12-06-2011 at Hadalagi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec.448, 504, 323, 355 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 4 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 06-12-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.140/2013

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec.341, 504, 354, 323 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 4 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 06-12-2016.

Prl. Civil Judge and JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Ningappa S/o Nageendrappa Sivade R/o Hadalagi as on 25-04-1997 at Hadalagi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,

ALAND

C.C.No.6/2011

Accused No.1 to 10 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 10 for the offence punishable U/Sec.143, 147, 148, 504, 448 and 324 R/W Sec.149 of IPC. The same is read over and explained to the accused No.1 to 10 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 06-12-2016.

Prl. Civil Judge and JMFC,
Aland.

Crl MiscNo.779/16

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandmother by name Nagamma W/o Nageendrappa Sivade R/o Hadalagi as on 20-02-1996 at Hadalagi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:07-10-2016

Plaintiff by RJP

Def by BAD

For Orders

(VIDE SEPARATE COMMON ORDER ON I.As.NO.I AND II PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

I.A.No.I filed by the plaintiffs and I.A.No.II filed by the defendant under Order XXXIX Rule 1 and 2 of C.P.C. are hereby allowed.

O.S.No.63/2016

The defendant is hereby restrained by way of temporary injunction from alienating or creating charge over the suit lands bearing Sy.No.73/A measuring 9-acres 2-guntas and land Sy.No.76/A measuring 5-acres 27-guntas situated at Keroor Village, Tq: Aland, Dist: Kalaburagi till disposal of the suit.

The plaintiffs, their agents, servants and all other persons claiming through them are hereby restrained by way of temporary injunction from interfering into peaceful possession and enjoyment of the defendant over the suit properties till disposal of the suit.

Considering the facts of the case, there is no order as to cost.

PRL.CIVIL JUDGE,

ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Kashiraya S/o Peerappa Biradar, R/o Aland as on 30-10-2012 at Sangolgi (G) in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Babu S/o Krishna Sagar, R/o Khajuri as on 25-05-2007 at Khajuri Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of birth of the Petitioner by name Sammek S/o Sheetal Gandhi R/o Aland as on 23-02-1992 in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's brother by name Gunderaya S/o Shivasharanappa, R/o Suntnoor as on 02-02-2007 at Suntnoor Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff is absent.

His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given but plaintiff did not turn up to give evidence. Even cost imposed on the last date is not paid.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused is present.

Statement of accused is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against him are read over, explained and made known to him in the language known to him. He denied the same in toto and submitted that he does not have any evidence to lead.

Heard arguments.

For Judgment call on 13-10-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

FDP.No.16/2014

ORDER ON OBJECTIONS TO COMMISSIONER REPORT

The petitioners have filed objections to the commissioner report submitted to the court on 23-07-2016 by the court commissioner appointed for making divisions in suit house property, praying to redirect the commissioner to submit fresh report as per terms of preliminary decree.

In the objections, the petitioners have contended that, as per the decree, the petitioner No.1 is entitled to half share in 1/6th share of the respondent No.1-Baburao and the respondents No.1 to 6 are entitled to 1/6th share each in the suit properties. But the commissioner has made only six divisions in house property, which is incorrect. Therefore, the petitioners prayed to issue directions to the commissioner to submit fresh report after making divisions in suit house property.

The respondent No.1 has not filed any objections to the commissioner's report.

I have gone through the report of the commissioner who was appointed to make divisions in suit house property bearing Panchayat No.114 situated at Zalaki (K) village. On perusal of the same, the contention of the petitioners appears to be correct as the commissioner has made only six divisions in the house property and he has not made division to the extent of petitioner No.1's half share in 1/6th share of the respondent No.1. Whereas, the decree passed in O.S.No.136/2008 clearly shows that, the petitioner No.1 is entitled only to half share in 1/6th share of the respondent No.1.

Thus, the objections filed by the petitioners are maintainable as the commissioner has not made proper divisions in the suit house property and therefore the report submitted by the commissioner making divisions in suit house property is required to be rejected and he is required to be directed to submit fresh report after making divisions as per the decree. Therefore, I proceed to pass the following.

FDP.No.16/2014

ORDER

The report submitted by the court commissioner on 23-07-2016 who was appointed to make divisions in suit house property is hereby rejected.

The court commissioner is directed to submit fresh report after making proper divisions in the suit house property as per the decree.

Office is directed to issue commission warrant to the above court commissioner on the payment of PF.

For report call on 05-11-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.115/2016

Case called out.

Sri. SOM Advocate filed I.A. No.VI under Sec.151 of CPC

time to file W/S of defendants No.1 to 3 and 5.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time is granted.

Sri. SSC Advocate filed I.A. No.VII U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till next date.

For W/S and objections of defendant No1to 3 and 5 and issue reminder to postal authority.

Call on 07-11-2016.

Prl. Civil Judge, Aland.

O.S.No.160/2009

Case called out.

Court notice to plaintiff No.7 and 9 served through their wives. Service is held sufficient. Plaintiff No.7 and 9 are called out, absent.

Notice to plaintiff No.4 and 6 is returned with report that they are not residing in the given village. Thus, it is

not possible to serve notice on the plaintiff No.4 and 6.

Since notices are served on the other plaintiffs, service to all the plaintiffs is held sufficient. Inspite of service of Court notice, the plaintiffs have failed to appear before the court and to proceed with the suit. It appears that, the plaintiffs have no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.197/2011

Case called out.

NBW to A2 is returned un executed.

Notice to surety of accused No.2 by name Veerabhadrappa S/o Irappa Hugar, R/o Lad Chincholi is returned duly served.

Surety is called out, absent. The surety failed to keep accused No. 2 present.

Hence Bail Bonds of accused No.2 and his surety are forfeited to Office is directed to register separate State.

Crl. Misc. against the accused No.2 and his above stated surety and put up.

Issue proclamation against the accused No.2.

Call on 28-11-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.289/2011

Case called out.

Accused No.4 and 5 are present.

NBW to A1 to 3 returned un executed.

Notice to surety of accused No.1 and 2 by name Shantappa S/o Annappa Kutapur, R/o Dhuttargaon village is returned duly served.

Surety is called out, absent. The surety failed to keep accused No.1 and 2 present.

Hence Bail Bonds of accused No.1 and 2 and their surety are forfeited to State.

Office is directed to register separate Crl. Misc. against the accused No.1 and 2 and their above stated surety and put up.

Issue proclamation against the accused No.1 to 3.

Call on 28-11-2016.

Prl. Civil Judge and JMFC,
Aland.

O.S No.99/2009

Case called out.

Plaintiff is present.

Sri. BAD Advocate filed IA. under Order 7 Rule 14(3) CPC seeking permission to produce documents.

Perused and heard. Allowed. The plaintiffs are permitted to produced documents. List with two documents are filed.

Sri. BAD Advocate also filed IA. under Order 6 Rule 17 CPC for amendment of plaint schedule.

Sri.ACT adv. and BSK for SSC adv. stated no objection to allow the IA on cost.

Perused the application and affadivit. The plaintiffs want to add one more property in the suit schedule. The proposed amendment will not change the nature of the suit.

Hence in view of the above and submission made by the counsel for the defendants, I.A. is allowed on cost of Rs.100/- and plaintiffs are permitted to amend the plaint schedule as prayed for.

For cost, carrying out amendment and for filing amended plaint.

Call on 20.10.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No. 366/2015

Case called out.

Petitioner is present. Respondent is absent.

Sri.RVG adv. paid Rs.5000/- to the petitioner and submitted that, entire payment is made.

Sri.SMP adv. for SDB filed memo stating that, the petitioner has received entire claim amount of Rs.72,000/- and therefore the petition may be closed.

Perused and heard. The memo is duly attested by the petitioner.

Satisfied with the same.

In view of the submission made and memo filed, the present petition is dismissed as fully satisfied.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff is absent.

His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given but plaintiff did not turn up to give evidence. Even cost imposed on the last date is not paid.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.143/2012

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.326, 504 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 05-12-2016.

Prl. Civil Judge and JMFC,
Aland.

O.S No.157/2015

Case taken on today's board on the advancement application filed by PVA adv.

Sri. PVA Advocate file IA.II under Order 6 Rule 17 CPC for amendment of cause title of plaint.

Defendants have not appeared yet in the case.

Perused the application, proposed amendment and records of the case. The plaintiff wants to struck of the name of the father of the defendant and to mention it as Haridas instead of Dhanasing. The proposed amendment appears to be minor in nature and the same will not change the nature of the suit and affects the rights of the defendants. Hence the same is necessary. Satisfied with the reason.

Hence I.A.II is allowed and plaintiff is permitted to amend the plaint as prayed for.

Amendment is carried out and amended plaint is filed.

Call on 03-11-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.2(1) of Prevention of Insults to National Honor Act 1971. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 30-11-2016.

Prl. Civil Judge and JMFC,
Aland.

Accused No.1 to 6 and 8 to 10 are present.

Perused the records. Accused No.7 has been absent from the date of commission of offence and whereas Accused No. 1 to 6 and 8 to 10 are regularly appearing to the court since the date of registration of the case. Inspite of issuance of repeated warrants, the police have not secured the presence of accused No. 7. The case is of the year 2014 and it is triable by the Hon'ble Court of Sessions and if it is proceeded as it is, it will cause inconvenience to accused No.1 to 6 and 8 to 10. Further there is no possibility of securing the accused No.7 within a reasonable time in near future.

There fore case against accused No. 7 is split up.

Office is directed to register split-up case against accused No. 7 and issue direction to I.O. to file split-up charge sheet against accused No.7.

Call later

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Split up case is registered against the accused No.7 in C.C.No.431/2016.

Accused No.1 to 6 and 8 to 10 are present. They are supplied with the copy of charge sheet and other prosecution papers.

Heard on committal.

For orders.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

In exercise of the powers conferred U/Sec.209 of Cr.P.C, this case is committed to the Court of Hon'ble Prl. Sessions Judge, Kalaburagi for trial.

The office is directed to send entire records of the case with proper index and case properties to the Hon'ble Court of Sessions, Kalaburagi.

Notify the Public Prosecutor, Kalaburagi about the committal of the case.

Accused No.1 to 6 and 8 to 10 are directed to appear before the Hon'ble Court of Sessions, Kalaburagi as and when directed.

PRL. CIVIL JUDGE & JMFC

ALAND

Accused No.1 to 6 and 8 to 10 are present and submit that, they are furnishing surety.

Surety by name Siddarud S/o Shripatrao Patil, Age 48 yrs, Occ Argil, R/o Hala Tadakal (Tambakhawadi), Tq. Aland, Dist. Kalaburagi is present

and filed declaration, affidavit and produced RTC Extract of Land bearing Sy.No.447, measuring 07-acres 22-guntas situated at Tadakal Village, along

with his Photo and ID proof and he submitted that he is ready to stand as Surety to the accused No.1 to 6 and 8 to 10 for their appearance before the Hon'ble Court of Sessions, Kalaburagi as and when directed.

Perused the records and inquired with the Sureties.

Satisfied and accepted.

Office is directed to take bonds of Accused No.1 to 6 and 8 to 10 and Sureties for Rs.30,000/- each.

PRL CIVIL JUDGE & JMFC,
ALAND

O.S.No.139/2016

Case called out.

Plaintiffs are present.

Sri. RJP adv. filed memo stating that, the plaintiffs do not want to press the suit.

Perused and heard and satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.26/201

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 304-A of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 30-11-2016

Prl. Civil Judge and JMFC
Aland.

Dt:16-09-2016
Pet:MSH
For Orders

Crl Misc.No.971/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grandfather by name Bandappa S/o Guranna Madagunaki, R/o Aland as on 14-05-1943 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.203/2015

Case taken on today's board on the advancement application filed by Sri. RJP Advocate.

RJP filed I.A.II under Order 5 Rule 20 R/W Sec.151 of CPC seeking permission to take substituted service for service of notice on defendants No.1 and 3 to 7 by way of paper publication.

Perused and heard. It appears that defendants No.1 and 3 to 7 are avoiding service of summons. Satisfied. Hence allowed.

Plaintiffs are p ermitted to take substituted service.

Issue suit summons to defendants No.1 and 3 to 7 by way of paper publication in Kalaburagi Vani Kannada Daily News paper if citation is furnished and PF paid.

Call on 05-11-2016.

Prl. Civil Judge, Aland.

C.C.No. 251/2016.

Case called out.

NBW to accused is returned unexecuted with report that, he has expired.

Xerox copy of Death Certificate of the accused is filed with the report.

Perused the records, death certificate and heard. It appears that, the accused has expired on 21-01-2016. Satisfied with the same.

Death certificate is accepted and the case against the accused is abated.

Prl. Civil Judge and JMFC
Aland.

C.C.No.170/2012

Accused No.1 to 3 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec.341, 504, 326 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 28-11-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.24/2012

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec.504, 324, 323 and 354 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 4 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 28-11-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.202/2012

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec.341, 504, 323 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 4 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 23-11-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.339/2015

Accused No.1 to 3 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec.448, 354, 504, 323 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 23-11-2016.

Prl. Civil Judge and JMFC,
Aland.

Case called out.

Plaintiff and counsel absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps as per order of the court dated 04-08-2016.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff and counsel absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps as per order of the court dated 04-08-2016.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S No.83/2016

Case taken on today's board on the advancement application filed by BAD adv.

Defendant No.1 and 2 are present.

Sri.MMM adv. filed power for the defendant No.1 and 2.

Sri. BAD Advocate filed IA.IV under Order 7 Rule 17 CPC for amendment of plaint.

Memo with two documents are filed. Sri.MMM adv. stated no objection to allow IA.

Hence I.A.IV is allowed and plaintiff is permitted to amend the plaint as prayed for.

Amendment is carried out and amended plaint is filed. Parties submitted that the matter is likely to be settle and prayed for time to report for settlement.

Call on 23.11.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Dt:16-09-2016
Pet:MSH
For Orders

Crl Misc.No.971/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by Durgawwa W/o Timmayya, R/o Dhangapur as on 03-05-1996 at Dhangapur in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.41/2016

Case called out.

Sri. SAP Advocate filed I.A. No.IV under Sec. 151 of CPC seeking time to file W/S of defendant.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time is granted.

Sri. BAD Advocate filed I.A. No.V U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till filing objections.

For W/S and objections of defendant.

Call on 02-11-2016.

Prl. Civil Judge, Aland.

Office is directed to take bonds of accused No.1 to 3 and surety for Rs.25,000/- each as per Sec.437-A CrPC.

For arguments,

Call on 27-09-2016.

Prl. Civil Judge & JMFC,
Aland.

Accused No.1 to 3 are present.

On perusal of records of the case, it appeared that, the charge framed against the accused persons needs to be altered. Hence the same is altered and re-framed against the accused No.1 to 3 for the offence punishable U/Sec.341, 504, 326 and 506 R/w Sec.34 of IPC. The same is read over and explained to the accused No.1 to 3 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

APP and MSH Advocate submitted that, they do not want to recall or examine any witness on the altered charge.

Heard further arguments.

For Judgment call 29-09-2016.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

NBW to accused is returned unexecuted with report that, he has expired.

Xerox copy of Death Certificate of accused is filed with the report.

Perused the records, death certificate and heard. It appears that, the accused has expired on 08-07-2015. Satisfied with the same.

Death certificate is accepted and the case against the accused is abated.

Prl. Civil Judge and JMFC
Aland.

Plaintiff is absent.

Sri.AWA adv. prays time for evidence.

Perused order sheet. Sufficient time is given but plaintiff did not turn up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.145/2011

Case called out.

Witness by name Sharanappa S/o Sidramappa Manthale is present. He filed his affidavit in lieu of chief examination. He is examined as DW2 and he is fully cross examined.

Smt. JNH adv. for PNS adv filed I.A. under Order 16 Rule 1 and 2 R/w Sec.151 of CPC seeking permission to file additional list of witness. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and defendantes are permitted to file additional list of witnesses. Additional List of witness is filed.

Witness by name Hanamant S/o Gundappa Chincholi is present. He filed his affidavit in lieu of chief examination. He is examined as DW3 and he is fully cross examined.

KPT for PNS submits that, the D2 and 4 to 7 have no further evidence. Hence their evidence is closed.

MKG adv. filed memo stating that the D1 has no oral evidence.

For evidence of D3

Call on 19-11-2016.

Prl. Civil Judge,
Aland.

C.C.No.435/2012

Case called out.

NBW to accused is un executed.

Accused is present and filed application under Sec.70-2 CrPC. Perused and heard. Allowed. NBW to accused is cancelled on penalty of Rs.100/-.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279, 304-A and 337 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 22-11-2016

Prl. Civil Judge and JMFC

Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by Parvati W/o Annarao, R/o Battarga as on 09-06-2010 at Battarga Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case taken on today's board on the application filed by Sri. BAD advocate.

Accused by name Fakruddin S/o Gulabsab Mulla is present.

Sri. BAD advocate filed power for accused and memo for voluntary surrender of the accused.

Perused records. The records disclose that, the present case is registered against this accused for the offences punishable U/Sec. 341, 376 and 506 of IPC and since the date of offences, the present accused has been absconding.

No bail application is filed and no surety is furnished for the accused now.

CPI Aland as filed remand application praying to remand the accused in judicial custody for 15 days.

Perused the requisition. In view of the reasons asigned in the remand application, the present accused is taken into custody and remanded to judicial custody till next date of hearing.

Call on 07-10-2016.

Prl. Civil Judge & JMFC,
Aland.

Dt:17-09-2016
Pet:BVK
For Orders

Crl Misc No.961/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of brother of the grandfather of the petitioner by name Gurulingappa S/o Magalappa Ekkule, R/o Aland as on 13-04-1983 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Civil. Misc. No.6/2016

Case called out.

Petitioner absent.

Sri. MMM for BAD prays time for steps. Perused order sheet. Sufficient time is given but petitioner has failed to take steps against the respondents.

It appears that, the petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.36/2010

Accused No.1 to 6, 8 and 9 are present.

Statement of accused No.1 to 6, 8 and 9 are recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against them are read over, explained and made known to them in the language known to them. They denied the same in toto and submitted that they do not have any evidence to lead.

For compliance and arguments.

Call on 24-10-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.224/2009

Case called out.

Proclamation issued against the accused No.53, 57, 68, 77, 78 and 80 is duly published on 20-08-2016.

Proclamation issued against the accused No.56 and 58 is duly published on 21-08-2016.

Proclamation issue against the accused No.59 is duly published on 21-08-2016.

Proclamation issue against the accused No.64 is duly published on 23-08-2016.

Proclamation issue against the accused No.66 is duly published on 24-08-2016.

Accused No.53, 56, 57, 58, 59, 64, 66, 68, 77, 78 and 80 are called out, absent.

For appearance of the Proclamation issue against the accused No. 53, 56, 57, 58, 59, 64, 66, 68, 77, 78 and 80.

Call on 24-09-2016

Prl. Civil Judge and JMFC
Aland.

Case called out.

Accused No. 53, 56, 57, 58, 59, 64, 66, 68, 77, 78 and 80 are called out, absent.

Issue attachment warrant against the property of accused No. 53, 56, 57, 58, 59, 64, 66, 68, 77, 78 and 80.

Call on 10-11-2016

Prl. Civil Judge and JMFC
Aland.

Sri. RVG Advocate filed I.A. under Order 1 Rule 10 of CPC for impleading one Sridevi W/o Shivalingayya Swamy and Jagadevi W/o Veerpakshi Swamy, R/o Humanabad as defendants No.5 and 6 in the suit.

Issue notice of IA to proposed to defendants No.5 and 6 if PF paid.

Call on 18-10-2016.

Prl. Civil Judge,Aland.

C.C.No.39/2011

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 341, 504 and 323 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 07-11-2016

Prl. Civil Judge and JMFC
Aland.

Date:23.09-.2016
Petitioner by UKI
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Abdul Aziz S/o Imamsab Daruwale, R/o Aland as on 09-10-1991 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Date:23.09-.2016
Petitioner by SDB
For Orders

Crl. Misc.No.977/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Sharanappa S/o Davalappa Arunodaya, R/o Kavalaga as on 03-12-1994 at Kavalaga Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.113/2012

Case called out.

Sri.SSC and AWA adv. are present and submit that an application is pending for disposal which was filed by the plaintiff on 10-06-2013 for restoration of the case.

O.S.No.113/2012

Perused the record. The records that, this suit was dismissed on 03-04-2013 for failure of the plaintiff to take steps against the defendants No.4, 10 and 11. Thereafter, the counsel for the plaintiff has filed IA.No.III on 10-06-2013 for restoration of the suit by setting aside the order of dismissal dated 03-04-2013. The records further disclose that, after the filing of the application, no order has been pass on the same but suit summons were issued to the defendants No.4, 10 and 11, the same were served on them, they were placed ex-parte and the issues were framed in the suit. Thus, since the application is not disposed of till this day, the same is required to be disposed of before proceeding further with the suit.

Sri. SSC adv. submits that, IA.No.III filed by the plaintiff on 10-06-2013 may be allowed on heavy cost.

Perused and heard. The suit was dismissed for the failure of the plaintiff to take steps against the defendants No.4, 10 and 11 inspite of sufficient opportunity was given and the application for restoration was filed nearly after two months of the date of dismissal. Hence considering the said aspect and the submission of the counsel for the defendant, I proceed to pass the following.

ORDER

I.A.No.III filed by plaintiff under Order 9 Rule 4 R/w Sec.151 CPC is hereby allowed on cost of Rs.1000/-.

The order of dismissal dated 03-04-2013 is set aside, the case is restored to its original file and the plaintiff is permitted to proceed with the suit on merits.

For payment of cost and evidence of plaintiff, call on 28-10-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.237/2012

Accused No.1 to 5 are present.

Statement of accused No.1 to 5 is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against them are read over, explained and made known to them in the language known to them. They denied the same in and submitted that they do not have any evidence to lead.

For arguments.

Call on 17-10-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.32 and 34 of Karnataka Excise Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 3.

Call on 02-11-2016.

Prl. Civil Judge and JMFC,
Aland.

O.S.No.91/2013

Plaintiff is absent. His counsel is also absent.

Perused order sheet. Sufficient time is given but plaintiff did not turn up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.36/2012

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.379 of IPC. The same is read over and explained to the accused No.1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 24-10-2016.

Prl. Civil Judge and JMFC,
Aland.

O.S No.225/2014

Case called out.

Sri. SSC Advocate file IA. under Order 6 Rule 17 CPC for amendment of plaint schedule.

Defendant and counsel are called out, absent. Perused records. The defendant has not filed W/S. Hence no grounds are made out for granting time.

Perused the application, proposed amendment and records of the case. The proposed amendment appears to be minor in nature and the same will not change the nature of the suit and affects the rights of the defendants. Hence the same is necessary. Satisfied with the reason.

Hence I.A. is allowed and plaintiff is permitted to amend the plaint as prayed for plaint and schedule.

Amendment is carried out and amended plaint is filed.

For arguments call on 23-09-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

PW1 is absent.

Sri. KTP for PNS advocate prays time to keep PW1 present.

Perused order sheet. Sufficient time is given but PW1 did not turn up to offer himself for cross examination.

It appears that, the plaintiffs have no interest in the suit.

Hence the chief examination of PW1 is discarded and the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.143, 147, 216, 225 and 353 R/W Sec.149 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 3.

Call on 24-10-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.131/2015

Accused No.1 to 5 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 5 for the offence punishable U/Sec.143, 147, 148, 504, 341, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No.1 to 5 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 6.

Call on 26-09-2016.

Prl. Civil Judge and JMFC,
Aland.

Accused No.1 to 7 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 7 for the offence punishable U/Sec.143, 147, 148, 504, 323, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused No.1 to 7 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 26-09-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.710/2015

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec.341, 323, 324, 504 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 4 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

CW1 is present. He is examined as PW.1 and Ex-P1 and 2 are marked.

Issue W/S to CWs.2 to 4.

Call on 21-09-2016.

Prl. Civil Judge and JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father-in-law by name Chandram S/o Narasu Sutar R/o Tadola as on 26-09-1990 at Tadola Village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.378/20121

Accused No.1 to 3 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec.447, 504 and 435 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 19-09-2016.

Prl. Civil Judge and JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Mahantayya S/o Shiddaramayya R/o Khajuri as on 22-03-1992 at Khajuri Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Gurusharan S/o Hanamanthraya Gambire, R/o Mataki as on 31-01-1997 at Mataki Village Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

SAP adv. is present and submitted that, double number is given to this petition as Crl.Misc.1036/2016 is already given to a petition filed by one Pandurang S/o Timmayya.

Perused the petition and the concerned filing register. It appears that through oversight same number is given to two petitions. Therefore, new number is required to be given to this petition. Satisfied with the submission.

Hence office is directed to allocate new case number to this petition and put up today.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

SAP adv. is present and submitted that, double number is given to this petition as Crl.Misc.1035 is already given to a petition filed by one Renuka D/o Yallappa Sinde.

Perused the petition and the concerned filing register. It appears that through oversight same number is given to two petitions. Therefore, new number is required to be given to this petition. Satisfied with the submission.

Hence office is directed to allocate new case number to this petition and put up today.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl.Misc. No.269/2015

Case called out.

Petitioner is absent. Sri.MVE for PNS advocate prays time.

Perused order sheet. Sufficient time is given but petitioner failed to take steps against the respondent by paying PF and furnishing fresh adress.

It appears that, petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.313/2011

Accused No.1 to 3 are present.

Statement of accused No.1 to 3 is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against them are read over, explained and made known to them in the language known to them. They denied the same in and submitted that they do not have any evidence to lead.

For arguments.

Call on 26-09-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.400/2015

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 and 2 for the offence punishable U/Sec.448, 504 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No. 1 and 2in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 20-09-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.8/2011

Accused No.1 to 3 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec.341, 504 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 20-09-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.133/2013

Case called out.

Accused is present.

Heard on charge. No grounds are made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.504, 324 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 6.

Call on 19-09-2016.

Prl. Civil Judge and JMFC,
Aland.

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec.504, 323 and 324 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 4 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 14-10-2016.

Prl. Civil Judge and JMFC,

Aland.

C.C.No.645/2014

Case called out.

Accused is present.

Heard on charge. No grounds are made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.341, 504, 324 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 6.

Call on 19-09-2016.

Prl. Civil Judge and JMFC,
Aland.

Case taken on today's board on the advancement application filed by SSC adv.

Accused is present and filed application under Sec.70-2 of CrPC. Perused and heard. Allowed. NBW to accused is cancelled on penalty of Rs.100/-.

Charge is framed against the Accused for the offence punishable U/Sec.504 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 05-10-2016.

Prl. Civil Judge and JMFC,
Aland.

Accused No.1 to 3 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec.447, 341, 504, 324 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 19-09-2016.

Prl. Civil Judge and JMFC,
Aland.

C.C.No.715/2015

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.498-A, 504, 448, 323 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 7.

Call on 15-09-2016

Prl. Civil Judge and JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by Durgawwa W/o Timmayya, R/o Dhangapur as on 03-05-1996 at Dhangapur in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by Parameshwar S/o Adaveppa, R/o Savaleshwar as on 25-06-2007 at

Sawaleshwar in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by Jagadevi W/o Parameshwar, R/o Savaleshwar as on 25-08-2001 at Sawaleshwar in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by Timmayya S/o Lachmayya, R/o Dhangapur as on 28-09-1998 at Dhangapur in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

The PSI of Nimbarga Police Station has submitted requisition stating that, the court has ordered for the release of Revolver and six bullets in favor of the applicant but the said revolver and bullets are submitted to the FSL, Bangalore for examination and he submitted that, the same will be released immediately on receipt of the same from the FSL.

Satisfied with the requisition filed. As the property is not available with the police, they are unable to release the same.

Hence the PSI of Nimbarga Police is directed to release the property as soon as it is received from the FSL, Bangalore.

PRL.CIVIL JUDGE & JMFC,
ALAND

D:6-09-2016 **C.C.NO.304/2011**
State:APP
A1 to 7 MMY
For Judgment

(VIDE SEPARATE JUDGMENT PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

In exercise of the power conferred under Section 248(1) of Cr.P.C., 1973, the accused No.1 to 7 are acquitted of the offence punishable U Sec.143, 147, 504 and 506 R/w Sec.149 of Indian Penal Code.

Bail bonds of the accused No.1 to 7 and surety shall stand cancelled.

PRL.CIVIL JUDGE & JMFC,

ALAND

O.S.No.225/209

Case called out.

Sri.AWA adv. filed two IAs under Sec.151 of CPC to reopen the case and for permission to lead further chief examination of DW1.

Sri. MMM for BAD submitted that, the IAs may be allowed cost. Perused and heard. Satisfied with the reasons. Hence IAs are allowed on cost of Rs.250/-.

The order dated 21-07-2016 passed thereby discarding the chief examination of DW1 is set aside and the chief examination is restored. The case is reopened and DW1 is permitted to lead further examination in chief.

Sri.AWA Advocate also filed I.A. under Order 8 Rule 1-A of CPC seeking permission to produce documents. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and defendant No.4 is permitted to produce documents subject to admissibility in evidence. List with five documents is filed.

For payment of cost and further chief of DW1.

Call on 17-09-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff is called out, absent.

Sri. MMM for BAD advocate prays time for plaintiff evidence.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

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O.S.No.126/2012

Sri. RVG Advocate filed I.A. under Order 1 Rule 10 of CPC for impleading one Sridevi W/o Shivalingayya Swamy and Jagadevi W/o Veerpakshi Swamy, R/o Humanabad as defendants No.5 and 6 in the suit.

Issue notice of IA to proposed to defendants No.5 and 6 if PF paid.

Call on 18-10-2016.

Prl. Civil Judge,Aland.

O.S.No.75/2016

Case called out.

Defendant No.1 is present.

Sri. RJP advocate filed I.A.No.V under Order 9 Rule 7 of CPC for setting aside order of exparte passed against Defendant No.1 and 2.

Sri.MMM adv. submitted that IA may be allowed on cost. Hence I.A.V is allowed on cost of Rs.250/-. Cost of Rs.250/- is paid. Order of exparte passed against Defendant No.1 and 2 is set aside and they are permitted to contest the suit on merits.

Sri.RJP adv. filed power for defendants No.1 and 2.

For W/S and objections of D1 and 2,

Call on 03-10-2016.

Prl. Civil Judge, Aland.

C.C.No. 76/2012

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 338 of IPC and Sec.187 R/W Sec.134 of MV Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 28-09-2016

Prl. Civil Judge and JMFC
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Shivaputra S/o Kenchappa Wale, R/o Chitali as on 24-04-1984 at Chitali in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Khajappa S/o Kallappa Gongan, R/o Yelsangi as on 01-06-2009 at Yelsangi in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Civil Misc.No.4/2012

Sri. SSC Advocate filed I.A. under Order 5 Rule 20 R/W Sec.151 of CPC seeking permission to take substituted service for service of notice of petition on the respondent No.1 by way of affixture on the door of the house of the R1.

Perused and heard. It appears that R1 is avoiding service of notice. Satisfied. Hence allowed.

The petitioner is permitted to take substituted service.

Issue notice of the petition to R1 by way of affixture on the main door of the house of R1 and on notice board of the court if PF paid.

Call on 02-11-2016.

Prl. Civil Judge, Aland.

O.S.No.17/2013

Case called out.

Smt.JNH adv. for PNS filed two IAs under Sec.151 of CPC to reopen the case and for permission to lead evidence of defendants No.2 and 3.

Perused and heard. Satisfied with the reasons. Hence IAs are allowed on cost of Rs.100/- each. The case is reopened and defendants No.2 and 3 are permitted to lead their evidence.

Smt. JNH Advocate also filed I.A. under Order 8 Rule 1-A of CPC seeking permission to produce document. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed on cost of Rs.100/- and defendant No.2 and 3 are permitted to produce document subject to admissibility in evidence. List with one document is filed.

Earlier cost of Rs.100/- is paid.

For payment of today's cost and evidence of defendants.

Call on 15-09-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sro.RVG adv. filed I.A. under Order 7 Rule 14-3 of CPC seeking permission to produce documents. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and plaintiff is permitted to produce document subject to admissibility in evidence. List with one document is filed.

PW1 is present He is further examined in chief and Ex-P7(a), 8(a) and 15 to 18 are marked.

Defendant and counsel called out, absent. Hence cross by defendant is taken as nil.

For arguments.

Call on 03-09-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.32/2011

Accused is present.

Statement of accused is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against him are read over, explained and made known to him in the language known to him. He denied the same in and submitted that he does not have any evidence to lead.

For arguments.

Call on 14-09-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Channamallappa S/o Sharanappa R/o Kodalhangarga as on 14-10-1981 at Kodalhangarga in the Death Register maintained by him and issue Death Certificate after collecting he necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused present.

Statement of accused is recorded under Sec.313 of Cr.P.C, and the incriminating circumstances appearing in the evidence against him are read over, explained and made known to him in the language known to him. He denied the same in toto and submitted that he does not have any evidence to lead.

For furnishing surety and arguments.

Call on 09-09-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is present.

Sri. ACT adv. filed memo stating that, the plaintiff does not want to press the suit as the matter is settled out of court.

Perused and heard. The memo is duly signed by the plaintiff. Enquired with the plaintiff and got satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff is called out, absent.

Smt. UKI advocate prays time for plaintiff evidence.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

On perusal of records of the case, it appeared that, the charge framed against the accused persons needs to be altered. Hence the same is altered and re-framed against the accused No.2 to 7 for the offence punishable U/Sec. 143, 147, 148, 341, 504, 323, 324 and 506 R/w Sec.149 of IPC. The same is read over and explained to the accused No.2

to 7 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

APP and DSN Advocate submitted that, they do not want to recall or examine any witness on the altered charge.

Heard further arguments,

For Judgment call later.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Petitioner and counsel are absent.

No representation.

Perused order sheet. The petitioner has failed to take steps. The order sheet shows that the petitioner is not interested in prosecuting the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 75/2005

Case called out.

SSC adv. filed two IAs under Sec.151 of CPC to reopen the case and under Order 18 Rule 17 CPC for recall of DW2 for further examination.

Perused and heard. Since Ex-D16 document in this case is missing and concerned official is directed to trace out the said document and put up with the file, the defendants have filed the present application for the purpose of marking the true copy of the said document. Hence satisfied with the reasons.

The applications are allowed. The case is reopened and DW2 is recalled for further examination.

DW2 is present He is further examined in chief and Ex-P18 is marked. He is further cross examined by AWA adv.

For arguments and cost.

Call on 06-09-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Gurushantappa S/o Chandrappa @ Chandramappa, R/o Bhusnoor as on 20-06-2006 at Bhusnoor Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Kamalabai W/o Gurushantappa, R/o Bhusnoor as on 19-12-2006 at Bhusnoor Tq. Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 to 3 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec.504, 341, 323, 324 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 to 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 28-09-2016

Prl. Civil Judge and JMFC,
Aland.

C.C.No. 462/2013

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 337 of IPC and Sec.187 R/W Sec.134 of MV Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 28-09-2016

Prl. Civil Judge and JMFC
Aland.

Case called out.

Accused No.1 and 2 are present.

Substance of accusation is recorded against the Accused No.1 and 2 for the offence punishable U/Sec. 323 and 504 R/W Sec.34 of IPC. The same is read over and explained to the accused No.1 and 2 in the language known to them. They pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 27-09-2016

Prl. Civil Judge and JMFC
Aland.

Accused No.1 and 2 present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.324, 323 and 354 of IPC. The same is read over and explained to the accused No.1 and 2 in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 28-09-2016

Prl. Civil Judge and JMFC,
Aland.

C.C.No.112/2011

Accused present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.324, 323 and 354 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 28-09-2016

Prl. Civil Judge and JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Sharanappa S/o Veerbhadrappa Padasalgi, R/o Dhangapur as on 21-06-1977 at Dhangapur in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

PW1 is called out, absent.

Sri. BSN advocate prays time to keep PW1 present.

Perused order sheet. Sufficient time is given but PW1 has not turned up to offer himself for cross examination.

It appears that, the plaintiff has no interest in the suit.

Hence chief examination of PW1 is discarded and the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.5/2016

Case called out.

Plaintiff and counsel absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps against the defendant.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 131/2012

Case taken on today's board on the advancement application.

Plaintiff No.1 is present.

Sri. SAP adv. filed memo stating that, the plaintiffs do not want to press the suit as they have settled the matter with the LR of defendant since the defendant is expired on 14-05-2016.

Perused and heard. The memo is duly signed by the plaintiff No.1. Enquired with the plaintiff No.1 and satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl. Misc.No.149/2016

Case called out.

Petitioner and counsel are absent.

No representation.

Perused order sheet. Sufficient time is given for evidence but petitioner has not turned up to give evidence. Hence there are no grounds for further adjournment.

It appears that, the petitioner has no interest in the suit.

Hence the present petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.35/2015

Case called out.

Plaintiff and counsel are absent.

No representation.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence. Hence there are no grounds for further adjournment.

It appears that, the plaintiff has no interest in the suit.

Hence the present suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.105/2012

Accused present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.32 and 34 of Karnataka Excise Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 28-09-2016

Prl. Civil Judge and JMFC,
Aland.

A1 and 2 present.

Statement of accused No.1 and 2 is recorded under Sec.313 of Cr.P.C, and the incriminating circumstance appearing in the evidence against them is read over, explained and made known to them in the language known to them. They denied the same in toto and submitted that they do not have any evidence to lead.

For furnishing surety call later

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 225/2014

Case called out.

SSC adv. filed two IAs under Sec.151 of CPC to reopen the case and for permission to lead further examination in chief of PW.1.

Perused and heard. Satisfied with the reasons. Hence IAs are allowed. The case is reopened and PW1 is permitted to lead further evidence.

Sri. SSC Advocate also filed I.A. under Order 7 Rule 14-3 of CPC seeking permission to produce documents. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and plaintiff is permitted to produce document subject to admissibility in evidence. List with one document is filed.

PW1 is present He is further examined in chief and Ex-P7(a), 8(a) and 15 to 18 are marked.

Defendant and counsel called out, absent. Hence cross by defendant is taken as nil.

For arguments.

Call on 03-09-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.106/2012

Case called out.

Sri. SSC Advocate filed I.A. under Order 7 Rule 14 CPC seeking permission to produce documents. Sri.PVA adv. stated no objection to IA. Hence IA. is allowed and plaintiffs are permitted to file documents. List with documents is filed.

PW1 is present. He is further examined in chief and Ex-P-3 to 26 are marked.

D2 and counsel are called out, absent. Hence cross of PW1 by D2 is taken as nil.

PVA for D1 prays time for cross.

Call on 22-09-2016

Prl. Civil Judge, Aland.

C.C.No.526/2013

Accused No.1 to 7 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 7 for the offence punishable U/Sec.143, 147, 148, 504, 323, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 8.

Call on 13-09-2016

Prl. Civil Judge and
JMFC,
Aland.

C.C.No.392/2012

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to for the offence punishable U/Sec.3 R/W Sec.7 of Essential Commodities Act R/W 34 of IPC. The

same is read over and explained to the accused persons in the language known to them. They

pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 5.

Call on 27-09-2016

Prl. Civil Judge and
JMFC,
Aland.

O.S.No.109/2014

Case called out.

Plaintiffs and counsel are absent.

No representation.

Perused order sheet. Sufficient time is given for evidence but plaintiffs have not turned up to give evidence. Hence there are no grounds for further adjournment.

It appears that, the plaintiffs have no interest in the suit.

Hence the present suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

DW1 is present.

Sri. KAA Advocate filed I.A. under Sec.151 CPC for permission to lead further evidence of DW1. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence, the application is allowed on cost of Rs.100/-. DW1 is permitted to lead further evidence.

Sir.KAA adv. also filed IA. under Order 8 Rule 2 and 3 of CPC seeking permission to produce document. Sri.AWA adv. stated no objection to IA on cost. Hence IA. is allowed on cost of Rs.100/-and defendant is permitted to file documents. List with two document is filed.

DW1 is present. He is further examined in chief and Ex-D-10 and 10(a) are marked. He is partly cross examined by AWA adv.

For further cross of DW1.

Call on 15-09-2016

Prl. Civil Judge, Aland.

O.S.No.3/2015

Case called out.

Plaintiff and counsel absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps against the defendants.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

Sri.BADAdvocate filed I.A.III under Sec. 151 of CPC seeking time to file W/S of defendant.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time is granted.

For W/S and objections of defendant No.1 to 5.

Call on 20-09-2016.

Prl. Civil Judge, Aland.

O.S.No.227/2013

Case called out.

Sri.NK adv. is present and prays to pass order on IA.48.

Perused the records. The defendant No., has filed IA.48 under Sec.151 CPC seeking order for police protection to her for cultivation and agricultural in land Sy.No.15/2, 16/2 and 22/1 of Kodal Hangaraga village.

The records further disclose that the counsel for the plaintiff has filed memo stating no objection to IA.No.48.

Hence in view of the memo filed and submission made I proceed to pass the following.

ORDER

IA.No.48 filed by defendant No.2 under Sec.151 of CPC is hereby allowed.

The PSI of Aland Police Station is hereby directed to provide protection to the defendant No.2 at the time of cultivation and agricultural work in Sy.No.15/2, 16/2 and 22/1 of Kodal Hangaraga Village if circumstances necessitate.

Office is directed to intimate the order to the concerned police.

For further chief of PW1

Call on 16-09-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

EP.No.11/2014

Sri. BAD Advocate filed I.A.II under Order 5 Rule 20 R/W Sec.151 of CPC seeking permission to take substituted service for service of notice of application under Order 21 Rule 54 of CPC on JD by way of affixture on the door of the house of the JD.

House property extract of the house of JD is filed along with the application.

Perused and heard. It appears that JD is avoiding service of notice. Satisfied. Hence allowed.

DH is permitted to take substituted service.

Issue notice of application filed under Order 21 Rule 54 of CPC to JD by way of affixture on the main door of the house of JD situated on the address given in the application if PF paid.

Call on 20-09-2016.

Prl. Civil Judge, Aland.

O.S.No.219/2014

Case called out.

Sri. SDB Advocate filed I.A.No.III and IV under Sec.151 CPC for reopening the case for evidence and for permission to lead further evidence of PW1. The applications are accompanied by memo of facts.

Sri. BGB adv. stated no objections to allow the applications.

Hence, the applications are allowed. The case is opened and PW1 is permitted to lead further evidence.

Sir.SDB adv. filed IA.V under Order 7 Rule 14(3) of CPC seeking permission to produce document. Sri.BGB adv. stated no objection to IA. Hence IA.V is allowed and plaintiff is permitted to file document. List with one document is filed.

PW1 is present. She is further examined in chief and Ex-P-12 is marked. BGB adv. submitted that he has no cross of PW1.

Heard arguments.

For Judgment call on 06-09-2016

Prl. Civil Judge, Aland.

C.C.No.396/2012

Accused present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.32 and 34 of Karnataka Excise Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 20-09-2016

Prl. Civil Judge and JMFC,
Aland.

Case called out.

Plaintiff is absent.

Sri.DSN for NK adv. prays time for evidence of Plaintiff.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence. Hence there are no grounds for further adjournment.

It appears that, the plaintiff has no interest in the suit.

Hence the present suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.143/2014

Case called out.

Plaintiffs are absent.

Sri.SOM for AWA adv. prays time for evidence of Plaintiffs.

Perused order sheet. Sufficient time is given for evidence but plaintiffs have not turned up to give evidence. Even cost imposed is not paid. Hence there are no grounds for further adjournment.

It appears that, the plaintiffs have no interest in the suit.

Hence the present suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 354 and 504 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 19-09-2016

Prl. Civil Judge and JMFC
Aland.

O.S.No.258/2015

Case called out.

Sri. SSC Advocate filed I.A. under Sec.151 CPC seeking permission to file W/S of defendants No.1, 6 and 7. The application is accompanied by affidavit.

Sri. SOM for AWA stated no objections to allow the applications on cost.

Hence, the application is allowed on cost of Rs.200/-. The defendant No.1, 6 and 7 are permitted to file W/S.

Sri. SSC adv. filed W/S of defendant No.1 and memo for defendant No.6 and 7 adopting the W/S of defendant No.1.

Reissue S/S to D5 if PF paid.

Call on 24-09-2016.

Prl. Civil Judge, Aland.

C.C.No.261/2013

Accused present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.427 and 431 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 20-09-2016

Prl. Civil Judge and JMFC, Aland.

C.C.No. 405/2013

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279 and 304-A of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 19-09-2016

Prl. Civil Judge and JMFC
Aland.

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.379 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 5.

Call on 21-09-2016

Prl. Civil Judge and
JMFC,
Aland.

C.C.No. 250/2013

Accused is present.

Statement of accused is recorded under Sec.313 of Cr.P.C, and the incriminating circumstance appearing in the evidence against him is read over, explained and made known to him in the language known to him. He denied the same in toto and submitted that he does not have any evidence to lead.

For furnishing surety call later

PRL.CIVIL JUDGE & JMFC,
ALAND

On perusal of records of the case, it appeared that, the charge framed against the accused needs to be altered. Hence the same is altered and re-framed against the accused for the offence punishable U/Sec. 504, 506 and 427 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

APP and RJP Advocate submitted that, they do not want to recall or examine any witness on the altered charge.

For furnishing surety, call later

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Smt.BS Advocate filed I.A.No.III under Order 9 Rule 7 of CPC for setting aside order of exparte passed against Defendant No.5.

Sri.RMM adv. submitted that IA may be allowed. Hence I.A.III is allowed. Order of exparte passed against Defendant No.5 is set aside and he is permitted to contest the suit on marits.

Authorized representative of D5 is present. Smt. BS adv. produced authorization latter issued by D5 in favor of The Registrar, Central University of Karnataka, Kalaburagi. Vakalat of said person is filed for D5.

Sri.DSN adv. filed IA-IV U/Sec. 151 CPC seeking time to permission to filed W/S of D1 to 4. Perused and heard. Allowed. Time is granted.

For W/S and objections of D1 to 5,
Call on 19-09-2016.

Prl. Civil Judge, Aland.

C.C.No.32/2012

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec.379 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 5.

Call on 21-09-2016

Prl. Civil Judge and
JMFC,
Aland.

The defendant No.3 has filed this application under Order 1 Rule 10(6) of CPC for his transposition as plaintiff in this case. He has contended that

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 5 for the offence punishable U/Sec.143, 147, 504, 341, 323 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 5.

Call on 24-08-2016

Prl. Civil Judge and
JMFC,
Aland.

Accused No.1 to 5 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 5 for the offence punishable U/Sec.143, 147,

504, 341, 323 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 5.

Call on 24-08-2016

Prl. Civil Judge and
JMFC,
Aland.

C.C.No. 77/2009

Case called out.

Accused No. 1 and 2 are present.

Accused No. 2 filed application under Sec.70-2 CrPC. Perused and heard. Allowed. NBW to A3 is cancelled on panelty of Rs.100/-

Statement of accused No. 1 and 2 is recorded under Sec.313 of Cr.P.C, and the incriminating circumstance appearing in the evidence against them is read over, explained and made known to them in the language known to them. They denied the same in toto and submitted that they do not have any evidence to lead.

For Arguments and compliance U/Sec.437-A of Cr.P.C.

Call on 23-08-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec.504 and 324 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 5.

Call on 13-09-2016

Prl. Civil Judge and
JMFC, Aland.

O.S.No. 57/2013

Case called out.

BAD adv. filed IA under Sec.151 of CPC for permission to lead further examination in chief of PW.1.

Sri.PVA adv. stated no objections to allow IA on cost.

Perused and heard. Satisfied with the reasons. Hence IA is allowed on cost of Rs.100/- and PW1 is permitted to lead further evidence.

Sri. BAD Advocate also filed I.A. under Order 7 Rule 14-3 of CPC seeking permission to produce documents. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and plaintiff is permitted to produce document subject to admissibility in evidence. List with one document is filed.

PW1 is present He is further examined in chief and Ex-P15 is marked.

PVA adv.prays time for cross of PW1.

Call on 08-09-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.40/2007

Case called out.

Sri. AWA Advocate filed I.A. under Sec.151 CPC for reopening the case for defendant evidence. He also filed another IA under Sec.151 CPC for permission lead further examination of DW1. Sri. KAA adv. submitted that IAs may be allowed on heavy cost.

Hence, the applications are allowed on cost of Rs.100/- each. The case is reopened for defendants evidence, the order of discarding the chief of DW1 is recalled and DW1 is permitted to lead further examination.

For payment of earlier cost, today's cost and further chief of DW1,

Call as last chance on 24-08-2016.

Prl. Civil Judge, Aland.

Civil Misc.No.4/2013

Case called out.

Petitioner and respondent No.1 are present.

Sri. MSH Advocate filed I.A. under Order 9 Rule 7 R/Sec.151 of CPC for setting aside order of exparte passed against Respondent No.1.

Sri.KPT for MVE submitted that IA may be allowed on cost.

Hence IA is allowed on cost of Rs.100/-. Order of exparte passed against respondent No.1 is set aside and he is permitted to contest the petition on merits.

Sri.MSH adv. filed power for respondent No.1 and also filed objections of respondent No.1 to main petition.

For cross of PW1.

Call on 08-09-2016.

Prl. Civil Judge, Aland.

Case called out.

Sri.SSC filed IA.IV U/Order 3 Rule 2 of Code of Civil Procedure, seeking permission to lead evidence of plaintiff through S.P.A holder. Original Spl. Power of Attorney is filed.

Sri. IRP for BAD Advocate stated no objection to allow the application. Perused and heard. Plaintiff has duly executed S.P.A. infavour of his brother Rajshekhar S/o Annappa Teli on the ground of inability to attend before the court as residing in Bellary and working in private company. Satisfied with the reasons. Hence the application is allowed. Plaintiff is permitted to lead evidence through S.P.A. holder.

SSC prays time for evidence.

Call on: 15.09.2016.

PRL. CIVIL JUDGE & JMFC,
ALAND.

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 1 and 2 for the offence punishable U/Sec.447, 504, 341, 324 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs1 to 5.

Call on 13-09-2016

Prl. Civil Judge and JMFC, Aland.

EP.No.6/2012

Sri. PNS Advocate filed I.A. under Order 5 Rule 20 R/W Sec.151 of CPC seeking permission to take substituted service for service of notice on JD(e) by way of paper publication.

Perused and heard. It appears that JD(e) is avoiding service of notice. Satisfied. Hence allowed.

DH is permitted to take substituted service.

Issue notice to JD(e) by way of paper publication in Vishwa Prachar Kannada Daily News paper if citation is furnished and PF paid.

Call on 19-09-2016.

Prl. Civil Judge, Aland.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 341, 504 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 13-09-2016.

Prl. Civil Judge and JMFC
Aland.

Case taken on today's board on the advancement application filed by ACT adv.

Accused is present and filed application under Sec.70-2 CrPC. Perused and heard. Allowed. NBW to accused is cancelled on penalty of Rs.100/-.

Heard further on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 32 and 34 of KE Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 27-09-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No.04/2012

Sri. PMK Advocate filed I.A. under Order 16 Rule 1 of CPC seeking permission to file list of witnesses. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and plaintiff is permitted to file list of witnesses. List of two witness is filed.

Witnesses by name Shaikh Hussain S/o Khadar Sab Madiyal and Gundappa S/o Jatteppa Bhajantri are present and filed their affidavits in lieu of Chief examination. They are examined as PWs 3 and 4 respectively.

ACT and PNS adv. pray time for cross of PWs.3 and 4.

Call on 09-09-2016.

Prl. Civil Judge,
Aland.

Case called out.

Petitioner is absent. Smt. JNH advocate prays time.

Perused order sheet. Sufficient time is given but Petitioner has not taken steps.

It appears that, the petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No. 262/2013

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 504 and 506 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 14-09-2016

Prl. Civil Judge and JMFC
Aland.

C.C.No.54/2011

Accused No.2, 3 and 6 to 10 are present.

Accused No.3 and 9 filed application u/Sec.70-2 CrPC. Perused and heard. Allowed. NBW to A3 and 9 is cancelled on penalty of Rs.100/- each.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No. 2, 3 and 6 to 10 for the offence punishable U/Sec. 143, 147, 148, 504, 323, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Call later.

Prl. Civil Judge and JMFC
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Radhabai W/o Irappa @ Veerappa Poddar, R/o Halli Salagar as on 03-10-1973 at Halli Salagar Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's brother by name Shivaling S/o Iranna, R/o Alanga as on 10-12-1986 at Alanga in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Appasaheb S/o Laxman Police Patil, R/o Chincholi (K) as on 13-10-2005 at Chincholi (K) Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case taken on today's board on the requisition filed by Aland Police.

Respondent is produced under arrest warrant by PC-454 of Aland Police Station.

Sri. AWA Advocate filed power of respondent after taking his signature with the permission of the court.

AWA adv. submitted that the respondent is ready to deposit Rs.10,000/- in the court towards arrears of maintenance and also submitted that the respondent will pay the remaining amount at the earliest.

Considering the submission made, the respondent is directed to deposit Rs.10,000/- in the office and to pay the remaining amount at the earliest.

Respondent is released on deposit of Rs.10,000/- in the office.

Call on 03-09-2016.

Prl. Civil Judge, Aland.

C.C.No. 343/2013

Case called out.

Accused No.2 is present.

Substance of accusation is recorded against the Accused No.2 for the offence punishable U/Sec. 279 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue witness summons to CW1 to 5.

Call on 14-09-2016

Prl. Civil Judge and JMFC
Aland.

C.C.No.423/2013

Accused No.1 to 8 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 8 for the offence punishable U/Sec. 143, 147, 504, 447, 323, 354, 341, 506 and 109 R/W Sec.149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 6.

Call on 24-08-2016.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Sri. PVA adv. and BAD adv. are present.

Sri. BAD adv. submits that though the respondents have filed objections to the main petition, they do not want to press the objections and that the petition of the petitioner may be allowed on heavy cost.

Perused the records. The present petition is filed under Order 9 Rule 9 R/W Sec.151 CPC praying for setting aside of order of dismissal of O.S.No.75/2012 for non prosecution on 13-01-2016.

Thus, the petitioner has prayed for restoration of his original suit. Since the counsel for the respondents has submitted that the petition may be allowed, I feel that there is no reason in proceeding with the petition for enquiry. Hence I proceed to pass the following.

ORDER

The petition filed by the petitioner under Order 9 Rule 9 R/w Sec.151 of CPC is hereby allowed on cost of Rs.1000/-.

The order of dismissal passed in O.S.No.75/2012 dated 13-01-2016 is hereby set aside and the suit is restored to its original file.

Sri.PVA and BAD adv. are directed to keep the parties present on the next date of hearing without waiting for service of notice or summons.

Office is hereby directed to put up original file in O.S.No.75/2012 on 02-09-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Nagappa S/o Gurulingappa Kusalkar, R/o Aland as on 12-06-1985 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No.636/2016

Case called out.
PW1 is present.

Sri. BAD Advocate filed application for permission to lead further chief examination of PW1. Perused and heard. Satisfied with the reasons. Hence the application is allowed.

Crl Misc.No.636/2016

Petitioner is permitted to lead further chief examination of PW1.

BAD adv. filed memo producing two birth certificates.

PW.1 is further examined in chief and Ex-P66 and 67 are marked.

SSC adv. prays time for cross of PW1. Granted on cost of Rs.100/-.

For cross of PW1,

Call on 22-08-2016.

Prl. Civil Judge,
Aland.

Case called out.

Plaintiff and counsel absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps against the defendants.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.137/2008

Case called out.

A1 to 3 absent. E/A filed. Heard and allowed.

PW8 is present. He is further examined and MO-1 is marked.

NBW to CW 7 returned un executed. Perused records. Inspite of sufficient opportunity given, the prosecution failed to secure the presence of CW7. Therefore CW7 is dropped.

APP filed application under Sec.311 of CrPC for issuing witness summons to one Sayabanna Dudhani R/o Kalaburagi stating that the said person as recorded the first information statement in this case and handed over the same to CW8. The said person is a material witness in this case but through over sight he is not cited as witness in the charge sheet.

Sri. ACT adv. stated no objection to allow the application. The witness sought to be summoned appears to be a material witness.

Hence the application filed by the prosecution under Sec.311 of CrPC is allowed.

Issue W/S to Sayabanna Dudhani, R/o Kalaburagi.

Call on 24-08-2016.

Prl. Civil Judge & JMFC,
Aland.

O.S.No.209/2015

Case called out.

Plaintiff and counsel absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps against the defendants.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

E.P.No.22/2005

Case called out.

Sri.BAD adv. filed memo producing Khata extract in respect of House bearing No.4-43 of Nimbarga Gram Panchayat. He submitted that, the said house property is standing in the name of JD No.1 and as the JD No.3 is the son of JD No.1 and has inherited the property from the JD No.1 after his death, the said house property may be attached and ordered to be sold in execution of decree for disobedience and for recovery of damage. Therefore he prayed for the same and also prayed to issue directions to concern police to give protection to the petitioner.

The records disclose that, the court has already passed an order on 21-12-2013 thereby forfeiting the properties of the judgment debtors and also ordered for police protection of the petitioners.

The Khata extract submitted by the petitioner is in the name of JD No.1 and since JD No.1 has expired, the property standing in the name of JD No.1 must have been devolved on his i.e. JD No.3. This aspect is not denied by JD No.3 or his counsel. Hence satisfied with the arguments of counsel for DH. Therefore I proceed to pass the following.

ORDER

The house property bearing No.4-43 of Nimbarga Gram Panchayat is is hereby attached. Issue attachment warrant and directions to Secretary, Gram Panchayat Nimbarga to enter the order in the Khata extract of the said property.

Further Nimbarga Police are hereby directed to provide police protection to the decree holder at the time of cultivation of his land bearing Sy.no.346/3/E measuring 1 acre 28 guntas on Nimbarga Village with boundaries mention in the decree.

Await orders.

Call on 25-08-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

FDP No.2/2006

Case called out.

Heard Sri. BAD Advocate on memo.

The petitioner has filed memo praying the court to allot land Sy.No.111/4 measuring 37 guntas and land Sy.No.111/5 measuring 1 Acre in Sy.No.111/1-2 as shown by the court commissioner in his sketch marked in red lines. He has also prayed allot the extreme eastern portion measuring 13' 1" X 17' 8" in house No.1-5 as shown by court commissioner in his sketch.

Sri. BAD submitted that, the operative portion of the order passed by the court is not clear and therefore he prayed to allot shares to the petitioner as mentioned in memo.

Perused and heard. Satisfied with the submission made.

Hence office is directed to draw final decree by allotting shares to the petitioner as above.

Prl. Civil Judge, Aland.

Case called out.

Sri. BAD Advocate filed I.A. No.IV under Sec. 151 of CPC seeking time to file W/S of defendants No.1 to 7.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time is granted.

Sri. SSC Advocate filed I.A. No.V U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till filing objections.

For W/S and objections of defendant No1 to 7.

Call on 08-09-2016.

Prl. Civil Judge, Aland.

C.C.No. 671/2014

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 138 of NI Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue Lok Adalath notice to complainant and put up before Lok Adalath.

Call on 13-08-2016

Prl. Civil Judge and JMFC

Aland.

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec. 341, 324, 504 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea

is recorded.

Issue W/S to CWs.1 to 5.

Call on 13-09-2016.

Prl. Civil Judge and JMFC
Aland.

Case taken on today's board on the advancement application filed by Sri. AWA adv.

Sri. AWA adv. filed bail application U/Sec.436 of CrPC for release of accused No.7 to 9 on bail. He also filed application U/Sec.267 of CrPC for issuing directions to Jail Authorities to produce the accused persons before the court. He submitted that, the accused No.7 to 9 have been released on bail in Aland P.S.Cr.No.135/2016.

The records disclose that, body warrant is issued against the accused No.7 to 9 on 05.08.2016 as they were in judicial custody in Aland P.S.Cr.No.135/2016 and they have not been produced yet before this court by executing the body warrant and as such, the bail application filed by the counsel for accused No.7 to 9 U/Sec.436 of CrPC cannot be entertained without the production of the accused persons.

Therefore office is hereby directed to issue directions to concerned police to produce the accused No.7 to 9 under body warrant.

Call on 08-08-2016.

Prl. Civil Judge and JMFC
Aland.

Case taken on today's board on the advancement application filed by Sri. AWA adv.

Sri. AWA adv. filed bail application U/Sec.436 of CrPC for release of accused No.2 on bail. He also filed application U/Sec.267 of CrPC for issuing directions to Jail Authorities to produce the accused before the court. He submitted that, the

accused No.2 has been released on bail in Aland P.S.Cr.No.135/2016.

The records disclose that, body warrant is issued against the accused No.2 on 05.08.2016 as he was in judicial custody in Aland P.S.Cr.No.135/2016 and he has not been produced yet before this court by executing the body warrant and as such, the bail application and the application filed by the counsel for accused No.2 U/Sec.436 of CrPC cannot be entertained without the production of the accused No.2.

Therefore office is hereby directed to issue directions to concerned police to produce the accused No.2 under body warrant.

Call on 08-08-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No.26/2012

Case called out.

Plaintiff is absent.

Sri.PVA adv. prays time for evidence of Plaintiff.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence. Even cost imposed is not paid. Hence there are no grounds for further adjournment.

It appears that, the plaintiff has no interest in the suit.

Hence the present suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Sri. BAD Advocate filed I.A. under Order 7 Rule 14-3 of CPC seeking permission to produce documents. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and plaintiffs are permitted to produce documents subject to admissibility in evidence. List with five documents is filed.

PW1 is present He filed his addl. affidavit in lieu of chief examination. He is further examined in chief and Ex-P11 to 15 are marked.

AWA prays time for cross of PW1.

Call on 01-09-2016.

Prl. Civil Judge,
Aland.

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O.S.No.96/2009

Sri. NSR Advocate filed I.A. under Order 8 Rule 1-A of CPC seeking permission to produce documents. The application is accompanied by affidavit.

Perused and heard. The document sought to be produced is the copy of order passed by the Hon'ble High Court of Karnataka, Kalaburagi Bench. Hence IA is allowed and defendant is permitted to produce document. List with one document is filed.

Sri. NSR Advocate also filed I.A. under Order 16 Rule 1 and 2 of CPC seeking permission to file list of witnesses. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons. Hence IA is allowed and defendant is permitted to file list of witnesses. List of one witness is filed.

Defendant is present. He filed his affidavit in lieu of chief examination. He is examined as DW1 and Ex-D1 is marked.

IRP for BAD prays time for cross of DW1.

Call on 01-09-2016.

Prl. Civil Judge,
Aland.

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec. 341, 324, 504 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea

is recorded.

Issue W/S to CWs.1 to 5.

Call on 13-09-2016.

Prl. Civil Judge and JMFC
Aland.

O.S. No.259/2013

Case called out.

Sri.BAD adv. is present. He filed I.A.V under Order 22 Rule 4 CPC seeking permission to bring LR of Defendant No.4 on record as D4(a) stating that the D4 has expired on 05-05-2015. He also filed IA.No.VI under Order 22 Rule 9 CPC for setting aside order of abatement and IA No.VII under Sec.5 Limitation Act for condonation of delay in filing the application.

Issue notice of I.As.No.V to VII to proposed LRs of Defendant No.4 i.e. D4(a) if PF paid.

Call on 01-10-2016.

Prl. Civil Judge, Aland.

O.S.No.170/2013

Case called out.

Plaintiffs are absent. Their counsel is also absent. No representation.

Perused order sheet. Sufficient time is given for evidence but Plaintiffs have not turned up to give evidence. Even cost imposed is not paid. Hence there are no grounds for further adjournment.

It appears that, the plaintiffs have no interest in the suit.

Hence the present suit being for partition and separate possession for which there is no period of limitation, is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec. 409 and 465 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 07-09-2016.

Prl. Civil Judge and JMFC
Aland.

Civil Misc. No.7/2012

Case called out.

Sri.PVA adv. is present. He filed I.A.No.I under Order 22 Rule 4 CPC seeking permission to bring LRs of respondent on record as R(a) to R(e) stating that the respondent has expired on 16-08-2014. He also filed IA.No.II under Order 22 Rule 9 CPC for setting aside order of abatement and IA No.III under Sec.5 Limitation Act for condonation of delay in filing the application.

Issue notice of I.A.No.I to III to proposed LRs of respondent i.e. R(a) to R(e) if PF paid.

Call on 17-09-2016.

Prl. Civil Judge, Aland.

Sri. B.S.N. Advocate filed memo producing Greenobles and Chintaka News papers.

Perused. Citation is duly published in Chintaka News papers. However in the publication in Greenobles news paper, the name of the court is wrongly mentioned.

No one appeared in response to publication in Chintaka News paper.

Re-issue paper publication in Greenobles news paper if fresh citation is furnished.

Call on 28-04-2015.

Prl. Civil Judge,
Aland.

Case called out.

NBW to accused returned unexecuted with report that, he has expired.

Xerox copy of Death Certificate of accused is filed with the report.

Perused the records, death certificate and heard. It appears that, the accused has expired on 27-01-2015. Satisfied with the same.

Death certificate is accepted and the case against accused is abated.

Prl. Civil Judge and JMFC
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed. The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Shivanna S/o Ladappa Gayakwad, R/o Salegaon as on 18-10-2010 at Salegaon Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Dhansing S/o Krishna Pavar R/o Seeds Farm Tanda as on 03-05-1980 at Seeds Farm Tanda in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 to 5 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 5 for the offence punishable U/Sec. 498-A, 143, 147, 148, 504, 324, 323 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 07-09-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No.21/2016

Case called out.

Sri. SSC Advocate filed I.A.No.IV under Sec.151 CPC seeking permission to file W/S of defendant No.2. The application is accompanied by affidavit.

Sri. MSH adv. for PVA stated no objections to allow the applications on cost.

Hence, the application is allowed on cost of Rs.100/-. The defendant No.2 is permitted to file W/S. Sri. SSC adv. filed W/S of defendant No.2.

For compliance u/Sec.89 and Order 10 of CPC

Call on 04-10-2016.

Prl. Civil Judge, Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Chandavva W/o Sidramappa Biradar, R/o Padasavali as on 26-06-2009 at Padasavali Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 and 2 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec. 448, 504, 326, 323 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1.

Call on 06-09-2016.

Prl. Civil Judge and JMFC
Aland.

A1 and 2 are produced from judicial custody.

A3 to 5 are produced in open court on this the 2nd day of August 2016 by executing body warrant by HC.434 and 438 and PC 828 and 1226 of Aland Police Station.

Sri. ACT adv. filed power for accused No.1 to 5 after taking their signatures with the permission of the court.

It is submitted that the accused No.3 to 5 are already released on bail in Aland P.S. Cr.No.134/2016 and they are not in judicial custody in any case. In view of the same, body warrant of accused No.3 to 5 is hereby cancelled and they are taken into custody in this case.

No bail application is filed and no surety is furnished for the accused persons.

Hence accused No.1 to 5 are remanded to judicial custody till 12-08-2016.

Prl. Civil Judge and JMFC
Aland.

A1 to 4 present.

On perusal of records of the case, it appeared that, charge for offence punishable u/Sec.447 R/W Sec.34 of IPC is required to be framed against the accused No.1 to 4 as there are material attracting the said offence. Hence addl. charge for the offence punishable U/Sec. 447 R/W Sec.34 of IPC is framed against the A1 to 4. The same is read over and explained to the accused No.1 to 4 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

APP and SSC Advocate submitted that, they do not want to recall or examine any witness on the added charge.

Sri. BAD Advocate filed I.A. No.VII U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by affidavit.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till filing objections.

Sri. SSC Advocate filed I.A. No.VIII under Sec. 151 of CPC seeking time to file W/S of defendant.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time is granted.

For W/S and objections of defendant .

Call on 02-09-2016.

Prl. Civil Judge, Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Gundappa S/o Mahadevappa Torakade, R/o Khajuri as on 22-06-1999 at Khajuri Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case taken on today's board on the advancement application filed by Sri. ACT adv.

Sri. ACT adv. filed memo of appearance for accused No.1 and bail application U/Sec.436 of CrPC for release of accused No.1 on bail. He also filed application U/Sec.70(2) of CrPC for recall of body warrant issued against the accused No.1. He submitted that, the accused has been released on bail in Aland P.S.Cr.No.134/2016 and prayed to recall body warrant against him.

The records disclose that, body warrant is issued against the accused No.1 on 20-07-2016 as he was in judicial custody in Aland P.S.Cr.No.134/2016 and he has not been produced yet before this court by executing the body warrant and as such, the bail application and the application filed by the counsel for accused No.1 U/Sec.70(2) CrPC cannot be entertained without the production of the accused No.1.

Therefore office is hereby directed to issue directions to concerned police to produce the accused No.1 under body warrant.

Call on 02-08-2016.

Prl. Civil Judge and JMFC
Aland.

C.C.No.275/2014

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec. 504, 323, 324, 355, 341 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 5.

Call on 09-08-2016.

Prl. Civil Judge and JMFC
Aland.

A1 and 2 present.

On perusal of records of the case, it appeared that, the charge framed against the accused No.1 and 2 needs to be altered. Hence the same is altered and re-framed against the accused No.1 for the offence punishable U/Sec. 448, 354, 504 and 506 of IPC and against the A2 for the offence punishable U/Sec.109 R/W Sec.448, 354, 504 and 506 of IPC. The same is read over and explained to the accused No.1 and 2 in the language known to them. They pleaded not guilty and claimed to be tried. Plea is recorded.

APP, ACT and RJP Advocate submitted that, they do not want to recall or examine any witness on the altered charge.

Heard arguments.

For Judgment

Call on 02-08-2016.

Prl. Civil Judge & JMFC,

Aland.

D:30-07-2016
Pet::BGB
For Orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Dullawwa W/o Shivaraya Holakund, R/o Dhuttargaon as on 20-04-2001 at Dhuttargaon in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Dullawwa W/o Shivaraya Holakund, R/o Dhuttargaon as on 20-04-2001 at Dhuttargaon in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of birth of the Petitioner by name Nagusha @ Naganna S/o Dharma @ Dharmaraj Hatagale, R/o Padasavali as on 07-09-1964 at Padasavali village in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

(Dictated to the Typist on Computer directly, typed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the 25th day of July-2016).

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

Case taken on today's board on the advancement application filed by PNS adv.

PNS adv. is present and submitted that, in this suit the defendants No.1 to 3 have made counter claim seeking decree of declaration and perceptual injunction against the plaintiffs. However, through oversight, the court has dismissed the suit of plaintiff and closed the file. Hence he requested to restore the case and proceed with the counter claim of the defendants.

Perused the records and the same disclose that, as the plaintiffs failed to adduce evidence inspite of availing sufficient opportunity, the suit of the plaintiffs is dismissed for non prosecution on 17-12-2015.

At the time of dismissing the suit, through oversight, the court could not come to know that the defendants have made counter claim in this suit and which survives even if the suit of plaintiffs is dismissed for default. As such, the counter claim of the defendants is required to be continued.

Hence, the present case is restored to its original file. It is made clear that the case is restored only for the purpose of proceeding with the counter claim of defendants No.1 to 3.

Call on 16-08-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused endorsement of pending clerk. He has submitted that, the order sheet of this case from 16-08-2013 is missing and might have been gone in the file of any other case and he has given undertaking to find out the said order sheet and requested the court to continue the proceedings in dummy order sheet.

Hence in view of the same, the clerk is directed to search the original order sheet as early as possible and put up with the file and till then, it is ordered that, the proceedings shall be continued in dummy order sheet.

Sri. DSN adv. for accused is present and taken note of the above. He submitted that, the accused has been absent from the case since long.

Hence, issue NBW to accused.

Call on 30-08-2016.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Petitioner and counsel are absent.

No representation. Steps not taken.

It appears that the petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

Prl.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. PNS Advocate filed I.A.No.V and VI under Sec.151 CPC for reopening the case for further evidence of plaintiff. He also filed another IA No.VII under Order 16 Rule 1 and 2 of CPC for permission to file list of witnesses.. The applications are accompanied by memo of facts.

Sri. SSC adv. stated no objections to allow the applications on cost.

Hence, the applications are allowed on cost of Rs.150/-. The case is opened, the plaintiff is permitted to file list of witnesses and lead further evidence.

Witness by name Abbas Ali S/o Abdul Hameed Shirishi is present and filed his affidavit in lieu of chief examination. He is examined as PW2. Cross of PW 2 by defendant No.3 is taken as nil. SSC prays time for cross of PW2.

For arguments.

Call on 19-08-2016.

Prl. Civil Judge, Aland.

O.S.No.13/2016

Sri. AWA Advocate filed I.A. No.VI under Sec. 151 of CPC seeking time to file W/S of defendant No.9.

Perused and heard. Allowed. Time granted.

Sri. PNS Advocate filed I.A. No.VII U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till filing objections.

For W/S and objections of defendant No.9.

PF paid and draft citation is furnished.

Reissue Suit summons to defendant No.8 by way of paper publication.

Call on 29-08-2016.

Prl. Civil Judge,Aland.

Case is taken on today's board on the advancement application filed by MSH adv.

Accused No.2 to 4 are present.

Accused No.1 is produced by executing body warrant by HC-434, HC-435, PC-332 and PC-717 of Aland Police Station.

It is submitted by the police that, the accused No.1 has been released on bail in Aland P.S.Cr.No.134/2016 in which body warrant was issued against him. Hence in view of the same, the accused No.1 is taken into custody in this case.

Accused No.1 submits that he has already engaged an advocate for him to obtain bail for him.

No bail application is filed for accused No.1 and no surety is furnished. Hence the accused No.1 is remanded to judicial custody till 11-08-2016.

Case taken on today's board on the advancement application filed by Sri. ACT adv.

Sri. ACT adv. filed memo of appearance for accused No.3 and bail application U/Sec.436 of CrPC for release of accused No.3 on bail. He also filed application U/Sec.70(2) of CrPC for recall of body warrant issued against the accused No.3. He submitted that, the accused has been released on bail in Aland P.S.Cr.No.134/2016 and prayed to recall body warrant against him.

The records disclose that, body warrant is issued against the accused No.3 on 20-07-2016 as he was in judicial custody in Aland P.S.Cr.No.134/2016 and he has not been produced yet before this court by executing the body warrant and as such, the bail application and the application filed by the counsel for accused No.3 U/Sec.70(2) CrPC cannot be entertained without the production of the accused No.3.

Therefore office is hereby directed to issue directions to concerned police to produce the accused No.3 under body warrant.

Call on 29-07-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No.203/2014

Case called out.

Plaintiff is absent. Her counsel is also absent.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps against the defendants.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as kkkkkkkkkkk.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.183/2013.

Case taken on today's board on the advancement application filed by Sri. ACT adv.

Sri. ACT adv. filed memo of appearance for accused No.3 and bail application U/Sec.436 of CrPC for release of accused No.3 on bail. He also filed application U/Sec.70(2) of CrPC for recall of body warrant issued against the accused No.3. He submitted that, the accused has been released on bail in Aland P.S.Cr.No.134/2016 and prayed to recall body warrant against him.

The records disclose that, body warrant is issued against the accused No.3 on 20-07-2016 as he was in judicial custody in Aland P.S.Cr.No.134/2016 and he has not been produced yet before this court by executing the body warrant and as such, the bail application and the application filed by the counsel for accused No.3 U/Sec.70(2) CrPC cannot be entertained without the production of the accused No.3.

Therefore office is hereby directed to issue directions to concerned police to produce the accused No.3 under body warrant.

Call on 29-07-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No.40/2006

Case called out.

Plaintiff is present.

AWA adv. filed memo stating that the Thumb Impression Expert, Andra Pradesh Forensic Science Laboratory, Police Department, Govt. of Telangana, Head Office-Hyderabad-500004 may be appointed as court commissioner.

SAP adv. is present and submits no objection to appoint the above said person as court commissioner.

Hence the above expert is appointed as Court commissioner to compare the thumb impressions. His fees is tentatively fixed at Rs.5000/- subject to variation.

Sri. SAP adv. directed to keep the defendant No.2 present before the court for obtaining his thumb impression and plaintiff is directed to deposit the commissioner fee in the office.

Call on 16-08-2016

PRL.CIVIL JUDGE, ALAND

Case taken on today's board on the advancement application filed by Sri. ACT adv.

Sri. ACT adv. filed bail application U/Sec.436 of CrPC for release of accused on bail. He also filed application U/Sec.70(2) of CrPC for recall of body warrant issued against the accused. He submitted that, the accused has been released on bail in Aland P.S.Cr.No.134/2016 and prayed to recall body warrant against him.

The records disclose that, body warrant is issued against the accused on 20-07-2016 as he was in judicial custody in Aland P.S.Cr.No.134/2016 and he has not been produced yet before this court by executing the body warrant and as such, the bail application and the application filed by the counsel for accused U/Sec.70(2) CrPC cannot be entertained without the production of the accused.

Therefore office is hereby directed to issue directions to concerned police to produce the accused under body warrant.

Call on 29-07-2016.

Prl. Civil Judge and JMFC
Aland.

C.C.No. 35/2014.

Case taken on today's board on the advancement application filed by Sri. SOM adv.

Sri. SOM adv. filed application U/Sec.70(2) of CrPC for recall of body warrant issued against the accused No.1 and 7. He submitted that, the accused No.1 and 7 have been released on bail in Aland P.S.Cr.No.134/2016 and prayed to recall body warrant against them.

The counsel also filed memo producing certified copy of order passed in FIR No.353/2016 (Aland P.S.Cr.No.134/2016). He also filed application U/Sec.267(1)(a) of CrPC for issuing directions for production of accused No.1 and 7 in this case.

The records disclose that, body warrant is issued against the accused No.1 and 7 on 20-07-2016 as they were in judicial custody in Aland P.S.Cr.No.134/2016 and they have not been produced yet before this court by executing the body warrant and as such, the application filed by the counsel for accused persons U/Sec.70(2) CrPC cannot be entertained without the production of the accused persons.

Therefore office is hereby directed to issue directions to concerned police to produce the accused No.1 and 7 under body warrant.

Call on 29-07-2016.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Petitioner is absent.

Sri.SSC adv. prays time for evidence of petitioner.

Perused order sheet. Sufficient time is given for evidence but petitioner has not turned up to give evidence. Hence there are no grounds for further adjournment.

It appears that, the petitioner has no interest in the petition.

Hence the present petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

AWA adv. submits that the decree arising out of which the present petition filed is set aside by this court on 31-07-2010 in Civil Misc.11/2000.

Perused the certified copy produced by the AWA adv. It appears that this court has set aside the decree dated 22-06-2000 passed in O.S.No.15/1991.

Further it appears that, this petition is filed to execute the said decree and without disclosing the above fact of setting aside of decree, the order dated 11-07-2016 is obtained by the decree holder.

As the case is advanced to today's board, the counsel is directed serve the copy of the application on the counsel for DH.

Till then, the operation of the order passed in this petition on 11-07-2016 is stayed.

For say of DH and his counsel.

Call on 30-07-2016.

PRL.CIVIL JUDGE, ALAND

.

Civil Misc.No.5/2013

Case called out.

PW1 is present.

Sri. RVG adv. filed power for Respondent No.2.

Sri. BSN Advocate filed I.A. under Sec.151 CPC for permission to lead further evidence of PW1.

Perused and heard. RVG adv. stated no objections to the applications. Hence the application is allowed and PW1 is permitted to lead further evidence.

PW1 filed her further examination in chief by way of addl. affidavit.

RVG adv. prays time for cross of PW1.

Call on 20-08-2016

Prl. Civil Judge,
Aland.

O.S.No.66/2013

Case called out.

Plaintiff is absent.

DSN adv. is also absent.

Perused order sheet. Plaintiff has been absent since long. Even cost imposed is not paid.

It appears that, the plaintiff has no interest in the suit. This being a suit for Partition and Separate Possession, for which there is no limitation of time, it is dismissed for non prosecution.

PRL.CIVIL JUDGE, ALAND

Case called out.

Plaintiff is present.

Sri. SAP adv. filed memo stating that, the plaintiff does not want to press the suit.

Perused and heard. The memo is duly signed by the plaintiff. Enquired with the plaintiff and satisfied.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

FIR.No.348/2016
(Aland P.S.Cr.No.132/2016)

Accused is not produced from JC for want of escort. Requisition is filed.

Remand application is filed for extension of JC of accused.

Perused. Satisfied with the reasons. Hence JC of accused is extended till 10-08-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec. 504, 323, 355, 341 and 506 R/W Sec.34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 6.

Call on 17-08-2016.

Prl. Civil Judge and JMFC
Aland.

C.C.No. 343/2012.

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279, 504, 506 and 353 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue W/S to CW.1 to 3.

Call on 31-08-2016

Prl. Civil Judge and JMFC
Aland.

FIR.No.381/2016
(Aland P.S.Cr.No.147/2016)

Accused is not produced from JC for want of escort. Requisition is filed.

Remand application is filed for extension of JC of accused.

Perused. Satisfied with the reasons. Hence JC of accused is extended till 09-08-2016.

Sri.MSH adv. filed memo of appearance of accused and bail application u/sec.437 of CrPC for his release on bail.

APP prays time for objections to bail application.

For objections call on 27-07-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.2 to 7 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.2 to 7 for the offence punishable U/Sec. 143, 147, 148, 341, 504, 323, 324 and 506 R/W Sec.149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 6.

Call on 10-08-2016.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Plaintiff is present.

Sri. SSC Advocate filed I.A. under Sec.151 CPC for reopening the case for further evidence of plaintiff. He also filed another IA under Order 18 Rule 17 of CPC for recall of PW1 for the purpose of his further examination. The applications are accompanied by affidavits.

Defendant and counsel are called out, absent. Hence objections to applications are taken as not filed.

Perused and heard. PW1 is sought to be recalled only for the purpose of marking further documents which are already produced in this case. Satisfied with the reasons.

Hence, the applications are allowed. The case is opened and PW1 is recalled for the purpose of further examined.

PW.1 is present. He is further examined in chief and Ex-P7 to 14 are marked. Defendant and counsel absent. Hence, cross of PW1 is taken as nil.

For arguments.

Call on 30-07-2016.

Prl. Civil Judge,
Aland.

C.C.No.261/2014

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 498-A and 323 of IPC. The same is read over and explained to the accused persons in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CWs.1 to 12.

Call on 30-07-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No.245/2015

Sri. PNS Advocate filed I.A.No.III under Order 5 Rule 20 R/W Sec. 151 of CPC seeking permission to take substituted service for service of summons on defendant No.1 to 7by way of paper publication.

Perused and heard. It appears that defendant No.1 to 7 are avoiding service of summons. Satisfied. Hence allowed.

Plaintiff is permitted to take substituted service.

Issue S/S to defendant No.1 to 7 by way of paper publication in Kannada Daily News paper if citation is furnished and PF paid.

Call on 24-08-2016.

Prl. Civil Judge, Aland.

FIR.No.293/2016

Accused No.1 to 4 are not produced from JC for want of escort. Requisition is filed.

Remand application is filed for extension of JC of accused persons.

Perused. Satisfied with the reasons. Hence JC of accused No.1 to 4 is extended till 08-08-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

FIR.No.374/2016

Accused is not produced from JC for want of escort. Requisition is filed.

Remand application is filed for extension of JC of accused.

FIR.No.374/2016

Perused. Satisfied with the reasons. Hence JC of accused is extended till 08-08-2016.

Sri.SOM adv. filed memo of appearance of accused and bail application u/sec.437 of CrPC for his release on bail.

APP filed objections to bail application.

Heard on bail application.

For orders call on 26-07-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Paregbai W/o Keraba Bedige, R/o Tadola as on 08-05-2011 at Tadola village, Tq.Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,

ALAND

Case called out.

Plaintiff is absent.

Sri.SOM for AWA prays time for plaintiff evidence.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence. Even cost imposed is not paid. Hence there are no grounds for further adjournment.

It appears that, the plaintiff has no interest in the suit.

Hence the present suit being merely for perceptual injunction, is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Sharanappa S/o Kallappa R/o Duttargaon as on 30-06-1970 at Dhuttargaon village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's Wife by name Tahera W/o Amjad sab R/o Aland as on 12-02-2001 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused the records and the same disclose that, the defendant No.1 in this suit is represented by Assistant Government Pleader and he has not filed written statement and his written statement has been taken as not filed.

Further on 30-11-2013, Sri.C.Dasankeri adv. has filed power for defendant No.3 and 4 and memo of undertaking for defendant No.2. However thereafter, the said adv. did not file power for defendant No.2 and inspite of service of summons, the defendant No.2 has not appeared in the suit. However, the defendant No.2 is not placed exparte through oversight. Therefore today the defendant No.2 is again called out. He is absent and hence he is placed exparte.

The order sheet dated 28-02-2014 also discloses that, the written statement of defendant No.3 is taken as not filed. However through oversight, the written statement of defendant No.4 is not taken as not filed. Therefore today, the defendant No.4 and his counsel are again called out. They are absent and hence the written statement of defendant No.4 is taken as not filed.

Heard further arguments.

For Judgment, call on 22-07-2016.

Prl. Civil Judge and JMFC
Aland.

A1 to 3 present.

Heard on charge. No grounds made out for dicharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec. 504, 324 and 341 R/W 34 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 5.

Call on 24-08-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No.207/2015

Sri. PNS Advocate filed I.A. No.I under Order 9 Rule 7 R/Sec.151 of CPC for setting aside order of exparte passed against Defendent.

Sri.IRP submitted that IA may be allowed on cost.

Hence IANo.I is allowed on cost of Rs.200/-. Order of exparte passed against defendant is set aside and he is permitted to contest the suit on merits.

Sri.PNS adv. filed power for defendant and also filed W/S of defendant in two sets.

For compliance u/sec. 89 and Order 10 CPC.

Call on 06-09-2016.

Prl. Civil Judge,
Aland.

Plaintiff and defendant are present.

Sri. MVE Advocate filed I.A.XI under Order 6 Rule 17 of CPC for amendment of plaint. Memo of proposed amendment is filed.

Sri. MVE Advocate filed I.A.XII under Order 1 Rule 10(2) of CPC for impleading one Shivaraya S/o Gundappa Sangolgi, R/o Sangolgi(C) village as defendant No.4 in the suit.

Sri. MVE Advocate filed I.A.XIII under Order 7 Rule 14 R/W Sec.151 of CPC seeking permission to produce documents. List with 10 documents is filed.

Counsel for defendants called out, absent. Copy of IAs is served on defendant No.2.

Issue notice of IA No.XII to proposed to defendant No.4 if PF paid.

For objections to IA No.XI to XIII.

Call on 22-08-2016.

Prl. Civil Judge,
Aland.

Sri. DSN Advocate filed I.A. under Order 7 Rule 14 of CPC seeking permission to produce documents. The application is accompanied by affidavit.

ACT adv. submitted that IA may be allowed.

Perused and heard. In view of the submission made by ACT adv., IA is allowed and plaintiffs are permitted to produce documents subject to admissibility in evidence.

PW.1 is present. He is further examined in chief and Ex-P9 to 13(a) are marked.

ACT prays time for cross of PW1.

Call on 12-08-2016.

Prl. Civil Judge,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's brother by name Mahantesh S/o Basalingappa Nagade, R/o Aland as on 10-07-2008 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Civil Misc.No. 2/2015

Case called out.

Petitioner is absent.

ACT adv. prays time for evidence.

Perused order sheet. petitioner has been absent since long.

It appears that, the petitioner has no interest in the petition. Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE,
ALAND

Case called out.

Plaintiff is absent.

PVA adv. prays time for evidence.

Perused order sheet. Plaintiff has been absent since long.

It appears that, the plaintiff has no interest in the suit. This being a suit for Partition and Separate Possession, for which there is no limitation of time, it is dismissed for non prosecution.

PRL.CIVIL JUDGE,
ALAND

A1 to 3 and 5 present.

Charge is framed against the Accused No.1 to 3 and 5 for the offence punishable U/Sec. 143, 147, 148, 504, 324, 323, 341, 114 and 506 R/W 149 of IPC. The same is read over and explained to the accused persons in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 5.

Call on 24-08-2016.

Prl. Civil Judge and JMFC
Aland.

C.C.No.12/2012

NBW un executed.

Accused is present and filed application u/Sec.70-2 of CrPC. Perused and heard. Allowed. NBW to accused is cancelled is penalty of Rs.250/-.

On perusal of records of the case. It appeared that, the charge framed against the accused needs to be altered. Hence the same is altered and re-framed against the accused for the offence punishable U/Sec. 457 and 380 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to be tried. Plea is recorded.

APP and BSN Advocate submitted that they do not want to recall or examine any witness on the altered charge.

For furnishing surety u/Sec.437-A fo CrPC.

Call on 25-07-2016.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Plaintiff is present.

Sri. BSN Advocate filed I.A. under Order 18 Rule 17 of CPC for recall of PW1 for the purpose of further examination. The application is accompanied by affidavit.

AGP prays time for objection to application. Perused the application and heard. It appears that, the PW1 is sought to be recalled for the purpose of marking of additional documents. Thus, further examination of PW1 is necessary in order to enable to plaintiff to prove his case.

Hence, the prayer is rejected and the application is allowed. PW1 is recalled for further examination.

Sri. BSN Advocate filed I.A. under Order 7 Rule 14 of CPC seeking permission to produce documents. The application is accompanied by affidavit.

AGP prays time for filing objections to this application.

Perused and heard. The documents sought to be produced are public documents. Satisfied with the reasons stated in the application. The prayer of AGP is rejected and IA is allowed and plaintiff is permitted to produce documents subject to admissibility in evidence.

PW.1 is present. He is further examined in chief and Ex-P19 to 22 are marked.

AGP prays time for cross of PW1.

Call on 16-08-2016.

Prl. Civil Judge,
Aland.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec. 504, 324, 323 and 506 R/W 34 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 7.

Call on 22-07-2016

Prl. Civil Judge and JMFC
Aland.

O.S.No. 99/2015

Case called out.

Sri.B.A.D. filed IA.II U/Order 3 Rule 2 of Code of Civil Procedure, seeking permission to lead evidence of plaintiff through S.P.A holder. Original Spl. Power of Attorney is filed. Further Vakalath of S.P.A. holder of plaintiff is filed.

S.S.C. Advocate stated no objection to allow the application. Perused and heard. Plaintiff has duly executed S.P.A. infavour of his son Mallinath Kalyani on the ground of ill health. The plaintiff is aged about 74 years. Satisfied with the reasons.

Hence the application is allowed. Plaintiff is permitted to lead evidence through S.P.A. holder.

S.P.A. holder of plaintiff is present and filed his affidavit in lieu of chief examination. He is examined as PW-1 and Ex.P-1 to Ex.P-6 are marked.

SSC prays time for cross.

For Cross of PW-1, call on: 20.08.2016.

PRL. CIVIL JUDGE & JMFC,
ALAND.

O.S.No. 15/2016

Case called out.

Plaintiff is present.

Sri. SAP adv. filed power for plaintiff with NOC of UKI adv. and also filed memo stating that, the plaintiff does not want to press the suit.

Perused and heard. The memo is duly signed by the plaintiff. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused the records. There are sufficient materials to proceed for the offence punishable under Sec.341, 323, 324, 354, 504 and 506 of IPC. Hence cognizance is taken for the said offence.

The police has submitted abated charge sheet against the accused stating that, the accused as committed suicide on 26-09-2015 and the death of the accused is registered under UD No.10/2015 of Nimbarga Police Station.

Perused and satisfied.

Thus, in view of the same, the present case is abated against the accused.

Prl. Civil Judge and JMFC
Aland.

C.C.No.115/2011

Accused No.1 to 4 are present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 504, 324, 323, 354 and 506 R/W 34 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 and 2.

Call on 16-08-2016

Prl. Civil Judge and JMFC
Aland.

F.I.R.No.88/2016

The PSI of Aland Police Station has submitted requisition stating that, the present case is registered under Cr. No.48/2016 of their Police Station for the offence punishable under Sec. 9 and 11 of Prohibition of Child Marriage Act and FIR is submitted to the court. Now the victim of the case by name Ashwini has given her statement stating that, she is minor and the accused/her husband has made sexual intercourse with her and that in view of the statement of the victim, the offence punishable under Sec.376(2) of IPC and Sec.4 and 5 of POCSO Act are attracted to the present case. Therefore the PSI has requested the Court to incorporate the above offence in the FIR submitted to the Court and transfer the FIR to the Special Court.

Perused the requisition, records of the case and heard. The requisition is accompanied by statement of the above said Ashwini. S609atisfied with the submission.

Hence, the police are permitted to incorporate the above sections in their

investigation and FIR and office is hereby directed to send the FIR, FIS and copy of this order to the Hon'ble Special Court which is competent to try the above offences.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE JUDGMENT PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

Suit of the plaintiff is hereby decreed in part with cost.

It is declared that, the plaintiff is entitled to 1/8th share in the suit schedule "A" property.

Defendant is hereby directed to divide the suit schedule "A" property by metes and bounds and put the plaintiff into possession of her 1/8th share in the suit schedule "A" property.

Draw preliminary decree accordingly.

PRL.CIVIL JUDGE & JMFC,

ALAND

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 504 and 324 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 5.

Call on 27-07-2016

Prl. Civil Judge and JMFC
Aland.

Case is taken on today's board on the requisition filed by Aland Police.

Accused No.1 is produced under arrest warrant in open court on 13-07-2016 at 2.00 PM by P.C.613 of Aland Police Station. Original Warrant is returned.

On enquiry the accused No.1 submitted that, he was arrested by the Police on 13-07-2016 at 10.00 AM in Aland and that he is not ill treated by the Police and the fact of his arrest is informed to his friend.

Looking to the accused prima facie it appeared that the accused is a juvenile. On enquiry the accused submitted that, he does not know his age or date of birth.

Hence, Police are directed to take the accused to Medical Officer, Govt. Hospital, Aland for his Medical examination so as to find out his age.

Call later

Prl. Civil Judge and JMFC
Aland.

Case called out again at 4.00 PM.

Accused is produced by the police.

Police filed requisition with endorsement made by the Head Master, Higher Primary School, Aland stating that, the accused No.1 had admission in their school at Sl.No.981 of School Admission Register and as per records, his date of birth is 09-07-1998.

Thus in view of the endorsement given by the school, the age of the accused at the time of commission of alleged offence i.e. on 29-03-2014 was below 16 years and as such, he is a juvenile offender and is required to be tried by the Juvenile Justice Board for the offence charged against him.

Further the records of the case disclose that, the present charge sheet is filed against this accused and three more accused persons and since the accused No.2 to 4 are juvenile offenders, charge sheet against them is already submitted before the Juvenile Justice Board.

Thus in view of the endorsement given by the school, this court has no jurisdiction to try the present case against the accused No.1 and he is required to be tried by the Juvenile Justice Board, Kalaburagi.

Hence Police are directed to produce the accused No.1 before Juvenile Justice Board, Kalaburagi forthwith and office is directed to send the charge sheet of this case to the said Board.

The file before this court is closed.

Prl. Civil Judge and JMFC
Aland.

C.C.No. 246/2015.

Case is taken on today's board on the requisition filed by Aland Police.

Accused No.1 is produced under arrest warrant in open court on 13-07-2016 at 2.00PM by P.C.613 of Aland Police Station. Original Warrant is returned.

On enquiry the accused No.1 submitted that, he was arrested by the Police on 13-07-2016 at 10.00 AM in Aland and that he is not ill treated by the Police and the fact of his arrest is informed to his friend.

Looking to the accused prima facie it appeared that the accused is a juvenile. On enquiry the accused submitted that, he does not know his age or date of birth.

Hence, Police are directed to take the accused to Medical Officer, Govt. Hospital, Aland for his Medical examination so as to find out his age.

Call later

Prl. Civil Judge and JMFC
Aland.

P and SC No.1/2016

Case called out.

Petitioner No.1 is present.

Sri. MMM Advocate filed IA under Order 6 Rule 17 of CPC for amendment.

Respondent No.1 and counsel are called out, absent. Hence objections to IA are taken as not filed.

Perused the application, proposed amendment and records of the case. The proposed amendment appears to be necessary in the case and the same will not change the nature of the petition and affects the rights of the respondents. Hence the same is necessary. Satisfied with the reason.

Hence I.A. under Order 6 Rule 17 of CPC is allowed and petitioners are permitted to amend the petition as prayed for.

For amendment and amended petition,

Call on 26.07.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Petitioner is present.

Sri.BAD adv. filed memo stating that, the petitioner does not want to press the petition.

Heard and perused. Satisfied.

In view of the memo filed, the petition is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Civil.Misc.No.6/2015

Case called out.

Sri.BGB adv. filed memo stating that, the petitioner does not want to press the petition and he prayed to dismiss the petition as not pressed.

Heard and perused. Satisfied.

In view of the submission made and memo filed, the present petition is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused is produced from JC.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 32 and 34 of Karnataka Excise Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 5.

Call on 26-07-2016

Prl. Civil Judge and JMFC
Aland.

C.C.No. 194/2011.

Case taken on today's board on the application of BGB advocate.

Accused No.1 to 3 are present and filed application under Sec.70(2) of CrPC.

Perused and heard. Allowed. NBW to A1 to 3 is cancelled on penalty of Rs.100/- each.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec. 341, 324, 504 and 114 R/W 34 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 8.

Call on 12-08-2016

Prl. Civil Judge and JMFC

Aland.

Accused No.1 to 3 are not produced from JC for want of escort. Requisition is filed.

Remand application is filed for extension of JC of accused persons. Perused the same and satisfied with the reasons. Hence JC of accused No.1 to 3 is extended till 26-07-2016.

Prl. Civil Judge and JMFC
Aland.

Accused No.1 to 3 are not produced from JC for want of escort. Requisition is filed.

Remand application is filed for extension of JC of accused persons. Perused the same and satisfied with the reasons. Hence JC of accused No.1 to 3 is extended till 26-07-2016.

Sri.BAD adv. filed memo of appearance for accused No.1 to 3 and bail application under Sec.437 of CrPC for their release on bail.

APP filed objections to the bail application.

Heard arguments.

For orders 13-07-2016.

Prl. Civil Judge and JMFC
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Namdev S/o Ganapati Mugale R/o Alanga as on 13-04-2006 at Alanga in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Sonabai W/o Davalappa Vanade R/o Aland as on 08-05-1995 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Lal Ahemad S/o Anasar Sab Udchane R/o Aland as on 07-12-1984 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No. 185/2009.

Case called out.

Accused No.1 is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 for the offence punishable U/Sec. 32 and 34 of Karnataka Excise Act. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 5.

Call on 01-08-2016

Prl. Civil Judge and JMFC
Aland.

O.S.No.208/2008

Case called out.

Sri. BAD Advocate filed I.A. under Order 7 Rule 14(3) of CPC seeking permission to produce documents. The application is accompanied by affidavit.

Sri.NSR adv. and defendant are called out absent. Their objections are taken as not filed.

Perused and heard. The documents sought to be produced are public documents. Satisfied with the reasons stated in the application. Hence IA is allowed and plaintiff is permitted to produce documents subject to admissibility in evidence.

PW.1 is present. He is further examined in chief and Ex-P7 to 20 are marked.

Since defendant and counsel are absent, cross of PW1 is deferred.

Call on 04-08-2016.

Prl. Civil Judge,
Aland.

C.C.No. 250/2012.

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 504, 506, 342, 332, 353 and 355 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 3.

Call on 09-08-2016

Prl. Civil Judge and JMFC
Aland.

Case called out.

I have heard Sri.BAD adv. He has submitted that, the court has already passed order in this case on 21-12-2013 forfeiting the immovable property of JD No.1 to 3 and the court has also ordered for police protection.

The record of the case supports the above arguments of the counsel for DH. The record further discloses that, the JD No.1 and 2 are reported to be dead in this case and accordingly case against them is abated on 03-09-2015. The DH has filed property extract in respect of the land held by JDs. The record of rights of Sy.No.346/3Aa of Nimbarga Village discloses that, the property is standing in the name of deceased JD No.1.

The counsel for DH further submitted that, though JD No.1 is expired, the JD No.3 is son of JD No.1 and the property of JD No.1 is devolved on JD No.3. Therefore since JD No.3 is having interest in the said property, the same may be attached and be sold.

The cause tittle of the petition clearly discloses that, the JD No.3 is son of JD No.1 and since JD No.1 has expired, the property standing in the name of JD No.1 must have been devolved on JD No.3. This aspect is not denied by JD No.3 or his counsel. Hence satisfied with the arguments of counsel for DH. Therefore I proceed to pass the following.

ORDER

The land Sy.No. 346/3Aa of Nimbarga village is hereby attached. Issue attachment warrant and directions to Tahasildar, Aland to enter the order in the record of right of the said property.

For await orders.

Call on 26-07-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is absent.

Sri.DSN adv. prays time to take steps.

Perused order sheet. Sufficient time is given but plaintiff has failed to take steps against the defendants.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 and 2 are present. Complainant is also present.

Counsel for complainant Sri.AWA and counsel for accused persons Sri.BAD are also present.

Sri.AWA adv. filed application under Sc.257 CrPC for withdrawal of complaint. It is submitted that the matter is settled out of court among the parties. The application is duly signed by the complainant and accused persons.

Perused and heard. Satisfied with the same.

The application is allowed and the complainant is permitted to withdraw the complaint. The file is closed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc 385/2016

Sri.BAD file memo stating that, the respondent has resumed co-habitation with the petitioner and they are leading happy married life and therefore he prayed to dismiss the petition as not pressed.

Heard and perused. Satisfied.

In view of the submission made and memo filed, the present petition is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No. 143/2014.

Case called out.

Accused is present.

Substance of accusation is recorded against the Accused for the offence punishable U/Sec. 279, 338 and 304-A of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and claimed to have defence. Plea is recorded.

Issue W/S to CW.1 to 5.

Call on 01-08-2016

Prl. Civil Judge and JMFC
Aland.

C.C.No. 505/2011.

Case called out.

Accused No.2 is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.2 for the offence punishable U/Sec. 457and 380 R/W 34 of IPC. The same is read over and explained to the accused No.2 in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW.1 to 3.

Call on 03-08-2016

Prl. Civil Judge and JMFC
Aland.

Case called out.

Sri. IRP for BAD adv. filed memo stating that, the plaintiffs do not want to press the suit as the matter is settled out of court. He also prayed to refund the court fee paid by the plaintiffs.

Perused and heard. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

Office is directed to refund court fee in favour of plaintiffs as per rules.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc 500/2016

MSH file memo stating that the petitioner does not want to press the petition.

Heard and perused. Satisfied.

In view of the memo filed the petition is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out

Plaintiff and counsel are present.

Sri.MEB adv. filed IA under Order 23 Rule 1(1) R/W Sec.151 CPC seeking permission to withdraw the present suit with liberty to file fresh suit. The application is accompanied by an affidavit duly sworn to by the plaintiff.

Perused and heard. Sri.MVE for PNS submitted that IA may be allowed. Satisfied with the reasons stated in the affidavit.

Hence IA is allowed and plaintiff is permitted to withdraw the present suit with liberty to file fresh suit on the same cause of action subject to law of limitation.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.141/2013

Case called out.

Sri. CNT Advocate filed I.A. under Order 7 Rule 14 of CPC seeking permission to produce document. The application is accompanied by affidavit.

Sri.MVE stated no objection to allow IA on cost.

Perused and heard. Satisfied with the reasons stated therein. Hence IA is allowed on cost of Rs.100/- and plaintiff is permitted to produce document subject to admissibility in evidence.

Cost of Rs. 100/- is paid.

Sri. CNT Advocate filed list with one document and prays time to plaintiff evidence.

Call on 29-07-2016.

Prl. Civil Judge,
Aland.

C.C.No. 274/2013.

Case called out.

Accused is present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused for the offence punishable U/Sec. 504 and 324 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

CW.1 is present. He is examined as PW.1 and Ex-P1, 1(a) and 2 are marked.

Issue W/S to CW2 to 5.

Call on 13-07-2016

Prl. Civil Judge and JMFC
Aland.

Sri. SDB Advocate filed I.A. No.IV U/Sec. 151 of CPC seeking permission to file W/S of defendant. The application is accompanied by memo of facts.

Sri.IRP for BAD stated no objection to allow IA on cost.

Perused and heard. Satisfied with the reasons stated therein. Hence IA No.IV is allowed on cost of Rs.100/- and defendant is permitted to file W/S.

Sri. SDB Advocate filed W/S of defendant and also produced documents with list. He also filed memo for treating W/S as objections to I.A. No.I.

Cost of Rs. 100/- is paid.

For compliance under Sec.89 and Order 10 of CPC or hearing on IA No.I

Call on 29-07-2016.

Prl. Civil Judge,
Aland.

Sri. BAD Advocate filed I.A. No.IV U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till next date.

Sri. SSC Advocate filed I.A. No.V under Sec. 151 of CPC seeking time to file W/S.

Perused and heard. Allowed. Time granted.

For W/S of defendant

Call on 02-08-2016.

Prl. Civil Judge,
Aland.

Case called out.

Plaintiffs are absent. Sri.AWA adv. prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiffs have not turned up to give evidence.

It appears that, the plaintiffs have no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Sri. MVE Advocate filed I.A. No.III under Order 9 Rule 7 R/Sec.151 of CPC for setting aside order of exparte passed against D1 to 3.

SMP for SDB submitted that IA may be allowed on cost.

Hence IANo.III is allowed on cost of Rs.200/-. Order of exparte passed against defendants No.1 to 3 is set aside and they are permitted to contest the suit on merits.

Sri.MVE adv. filed power for defendants No.1 to 3

For W/S of defendants.

Call on 01-08-2016.

Prl. Civil Judge,
Aland.

Case called out.

The complainant called out, absent. Objections are not filed. The complainant was absent on the last date of hearing also.

Perused the final report carefully and no reasons are found to reject the C report submitted by the Police. Even the complainant has not filed any objections to the report. Therefore the C report submitted by the police is accepted and the case is closed.

Addl. Civil Judge & JMFC,
Aland.

C.C.No. 432/2013.

Case called out.

Nimbarga Police file xerox copy of Death Certificate of accused with report.

Perused the records, death certificate and heard. Satisfied with the same.

Death certificate is accepted and the case against accused is abated.

Prl. Civil Judge and JMFC
Aland.

C.C.No. 83/2013.

Case called out.

Accused No.1 to 6 present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 6 for the offence punishable U/Sec. 143, 147, 448, 504, 323, 354 and 506 R/w Sec. 149 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

APP prays time to verify weather counter case is pending.

Call on 10-08-2016

Prl. Civil Judge and JMFC
Aland.

Sri. PNS Advocate filed I.A. No.V U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till next date.

Sri. PNS Advocate filed I.A. No.VI under Order 5 Rule 20 R/W Sec. 151 of CPC seeking permission to take substituted service for service of summons on defendant No.8 by way of paper publication.

Perused and heard. It appears that defendant No.8 is avoiding service of summons. Satisfied. Hence allowed.

Plaintiff is permitted to take substituted service.

Issue S/S to defendant No.8 by way of paper publication in Kannada Daily News paper if citation is furnished and PF paid.

For W/S of defendant No.9.

Call on 29-07-2016.

Prl. Civil Judge,
Aland.

C.C.No. 399/2012.

Case called out.

Accused No.1 to 4 present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec. 504, 323, 324 and 354 R/w Sec. 34 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 to 3.

Call on 28-07-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No. 57/2014

Case taken on today's board on the advancement application filed by RJP adv.

RJP filed memo stating that, the plaintiff does not want to press the suit as the matter is settled out of court.

Perused and heard.

The memo is duly signed by the plaintiff and her counsel. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

NBW to accused returned un executed with report that he has died on 15-02-2016. Death Certificate is produced. Perused and heard. Satisfied and accepted.

Hence case against accused is abated.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Accused No.1 to 4 present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 4 for the offence punishable U/Sec. 504, 324, 341 and 506 R/w Sec. 34 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Issue W/S to CW1 and 4 to 8.

Call on 11-07-2016.

Prl. Civil Judge and JMFC
Aland.

C.C.No. 303/2011.

Case called out.

Accused No.1 and 2 present.

Charge is framed against the Accused No.1 and 2 for the offence punishable U/Sec. 504, 323, 324 and 506 R/w Sec. 34 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

APP prays time to take steps as theres counter case.

Call on 03-08-2016.

Prl. Civil Judge and JMFC
Aland.

O.S.No. 99/2009.

Case called out.

Issue framed.

BAD filed IA under Order 32 Rule 12 CPC for discharge of plaintiff No.5 from guardianship of plaintiff No.1 stating that plaintiff No.1 has attained majority. School certificate of plaintiff No.1 is produced.

Perused and heard. Satisfied.

IA is allowed and plaintiff No.5 is discharged and plaintiff No.2 is permitted to prosecute the suit in his individual capacity.

Sri. BAD adv. filed power for plaintiff No.1.

Plaintiff No.5 is present and filed her affidavit in lieu of chief examination. She is examined in chief as PW.1 and Ex.P1 to P9 are marked.

SSC prays time for cross of PW.1.

Prl. Civil Judge and JMFC
Aland.

C.C.No. 722/2014.

Case called out.

Accused No.1 to 4 present.

Heard on charge. No grounds made out for discharge.

Charge is framed against the Accused No.1 to 3 for the offence punishable U/Sec. 341, 504, 355,,324, 324 and 506 of IPC. The same is read over and explained to the accused in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

Hence, issue witness summons to CW 1 to 5.

Call on 26-07-2016.

Prl. Civil Judge and JMFC

Aland.

Case called out. The complainant is present. and submits that he has not objections to B report submitted by the police.

Perused the final report carefully and no reasons are found to reject the B report submitted by the Police. Even the complainant has not filed any objections to the report. Therefore the B report submitted by the police is accepted and the case is closed.

Prl. Civil Judge & JMFC,
Aland.

O.S.No. 159/2011

Case taken on today's board on the advancement application filed by UKI advocate.

UKI adv. filed IA under Sec.151 of CPC for setting aside order of dismissal. IA is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons. Hence IA is allowed subject to condition that plaintiffs shall take steps early against the defendants.

Order of dismissal of suit is set aside and case is restored to its original file.

Reissue Suit Summons, Emergent Notice on IA No.II and III and paper publication if citation is furnished.

Call on 24-06-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 65/2015

Case called out.

BAD adv. filed IAs under Sec.151 of CPC for reopening the case and for permission to lead further evidence of PW.1.

Perused and heard. Satisfied with the reasons. Hence both the IAs are allowed.

Case is reopened and plaintiff is permitted to lead further evidence.

PW.1 is present. She is further examined.

Heard arguments.

For Judgment 30-06-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc .505/2016

MSH file memo stating that the petitioner does not want to press the petition.

Heard and perused. Satisfied.

In view of the memo filed the petition is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Petitioner No.1 is present.

Sri.BAD adv. filed memo stating that, in view of passing of amended preliminary decree in the original suit, the petitioners are filing fresh FDP and therefore, they do not want to press the present petition. The counsel has also prayed for return of original documents produced in the case by the petitioners.

Perused the memo and heard. The memo is duly signed by the petitioner No.1. Satisfied with the submission.

Hence, in view of the memo filed and submission made, the present petition is dismissed as not pressed.

Office is hereby directed to return the original documents to the petitioners produced by them in this case.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.5, 6 and 9 are present. Accused No.3, 4, 7, 8, 10 and 11 are absent. E/A filed. Heard and allowed.

Accused No. 1 and 2 are produced under body warrant.

Sri. SDB adv. has filed application for recall of body warrant of accused No.1 and 2. Perused and heard. It is submitted that these accused persons were JC in some other case and therefore they could not keep themselves present before the court. It is also submitted that these accused persons are released from JC in those other cases.

The Superintendent of Central Jail Kalaburagi has also submitted a letter reporting that the accused No.1 and 2 are released from the cases in which they were serving sentence of imprisonment and the body warrant issued against them in this case is pending and therefore he prayed to pass appropriate order in respect of the accused persons.

Satisfied with the submissions made by the counsel for the accused and the Jail authorities.

Hence, the application filed by the accused is allowed and the body warrant is issued against accused No.1 and 2 are hereby cancelled.

Office is directed to intimate the order of cancellation of body warrant to Jail authorities.

For Charge

Call on 15-07-2016.

PR-.CIVIL JUDGE & JMFC,

ALAND

Accused is produced under body warrant.

Sri. SDB adv. has filed application for recall of body warrant of accused. Perused and heard. It is submitted that the accused was JC in some other case and therefore he could not keep himself present before the court. It is also submitted that the accused is released from JC in those other cases.

The Superintendent of Central Jail Kalaburagi has also submitted a letter reporting that the accused is released from the cases in which he was serving sentence of imprisonment and the body warrant issued against him in this case is pending and therefore he prayed to pass appropriate order in respect of the accused.

Satisfied with the submissions made by the counsel for the accused and the Jail authorities.

Hence, the application filed by the accused is allowed and the body warrant is issued against accused is hereby cancelled.

Office is directed to intimate the order of cancellation of body warrant to Jail authorities.

Charge framed against the accused, read over and explain to him in his language. He pleaded not guilty and claimed to be tried. Plea is recorded. Issue W/S to CW1.

Call on 15-07-2016.

PR-.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 and 5 are absent. E/A filed. Heard and allowed.

Accused No. 2 to 4 are produced under body warrant.

Sri. SDB adv. has filed application for recall of body warrant of accused No.2 to 4. Perused and heard. It is submitted that these accused persons were JC in some other case and therefore they could not keep themselves present before the court. It is also submitted that these accused persons are released from JC in those other cases.

The Superintendent of Central Jail Kalaburagi has also submitted a letter reporting that the accused No.2 to 4 are released from the cases in which they were serving sentence of imprisonment and the body warrant issued against them in this case is pending and therefore he prayed to pass appropriate order in respect of the accused persons.

Satisfied with the submissions made by the counsel for the accused and the Jail authorities.

Hence, the application filed by the accused is allowed and the body warrant is issued against accused No.2 to 4 is hereby cancelled.

Office is directed to intimate the order of cancellation of body warrant to Jail authorities.

For hearing on application filed under Sec.311 of Cr.P.C

Call on 15-07-2016.

PR-.CIVIL JUDGE & JMFC,

ALAND

Accused No.2, 5 and 7 to 11 are absent. E/A filed. Heard and allowed.

Accused No. 1, 3 and 4 are produced under body warrant.

Sri. SDB adv. has filed application for recall of body warrant of accused No.1, 3 and 4. Perused and heard. It is submitted that these accused persons were JC in some other case and therefore they could not keep themselves present before the court. It is also submitted that these accused persons are release from JC in those other cases.

The Superintendent of Central Jail Kalaburagi has also submitted a letter reporting that the accused No.1, 3 and 4 are released from the cases in which they were serving sentence of imprisonment and the body warrant issued against them in this case is pending and therefore he prayed to pass appropriate order in respect of the accused persons.

Satisfied with the submissions made by the counsel for the accused and the Jail authorities.

Hence, the application filed by the accused is allowed and the body warrant is issued against accused No.1, 3 and 4 is hereby cancelled.

Office is directed to intimate the order of cancellation of body warrant to Jail authorities.

Issue NBW against CW5.

Call on 15-07-2016.

PR-.CIVIL JUDGE & JMFC,
ALAND

Accused No.1, 3, 6, 8 and 9 are absent. E/A filed. Heard and allowed.

Accused No. 2, 4 and 5 are produced under body warrant.

Sri. SSC adv. filed application for recall of body warrant of accused No.2, 4 and 5. Perused and heard. It is submitted that these accused persons were JC in some other case and therefore they could not keep themselves present before the court. It is also submitted that these accused persons are release from JC in those other cases.

The Superintendent of Central Jail Kalaburagi has also submitted a letter reporting that the accused No.2, 4 and 5 are released from the cases in which they were serving sentence of imprisonment and the body warrant issued against them in this case is pending and therefore he prayed to pass appropriate order in respect of the accused persons.

Satisfied with the submissions made by the counsel for the accused and the Jail authorities.

Hence, the application filed by the accused is allowed and the body warrant is issued against accused No.2, 4 and 5 is hereby cancelled.

Office is directed to intimate the order of cancellation of body warrant to Jail authorities.

For 313 statement of accused.

Call on 02-07-2016.

PR-.CIVIL JUDGE & JMFC,
ALAND

The PSI of Aland Police Station has submitted requisition stating that, the present case is registered under Cr. No.113/2016 of their Police Station for the offence punishable under Sec. 363 of IPC and FIR is submitted to the court. Now the victim of the case by name Priyanka has given her statement stating that, she is minor and the accused has committed her rape and that in view of the statement of the victim, the offence punishable under Sec.366-A, 376(2)(n) of IPC and Sec.4 and 5 of POCSO Act are attracted to the present case. Therefore the PSI has requested the Court to incorporate the above offence in the FIR submitted to the Court and transfer the FIR to the Special Court.

Perused the requisition, records of the case and heard. The requisition is accompanied by statement of the above said Priyanka. Satisfied with the submission.

Hence, the police are permitted to incorporate the above sections in their investigation and FIR and office is hereby directed to send the FIR, FIS and copy of this order to the Hon'ble Special Court which is competent to try the above offences.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Perused records. The Plaintiff has filed memo on the last date of hearing stating that, he does not want to press the suit as the defendant is maintaining him properly.

Perused and heard.

The memo is duly signed by the plaintiff and his counsel. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

AGP filed application under Order 9 Rule 7 R/w Sec.151 of CPC for setting aside exparte order passed against defendant No.1, 2, 4, 5 and 9.

BSN adv. stated no objection to allow the application. Hence the application is allowed and the order of exparte passed against defendant No. 1, 2, 4, 5 and 9 is set aside and they are permitted to contest the suit on merits.

AGP filed memo appearance for defendants No.1, 2, 4, 5 and 9 also filed memo for defendants No.1, 2, 4, 5 and 9 adopting the W/S filed by defendant No.6.

PW.1 is present. He is fully corss examined by AGP.

SSC adv. and defendant No.7 are called out absent. Hence cross of PW.1 by defendant No.3 and 7 is taken as Nil.

For further evidence of plaintiff if any call on 25-06-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Case taken on today's board on the requisition filed by PSI S.H.O. of Aland P.S. praying to issue Body Warrant against the accused.

A.P.P. filed an application U/Sec. 300 [5] of CRPC praying the court to re-open the case against the accused.

In the application it is contended that the present case has been registered against the accused for the offences punishable U/Sec. 78[iii] of K.P.Act and after issuing summons and NBWs for several times, since the presence of the accused was not secured for long time, the proceeding was stopped U/Sec. 258 of CRPC. And now it has come to the notice of the police that the accused is in J.C. in C.C.No. 457/2012 [Nimbarga PS Cr.No. 30/2011] under U.T.P. No. 2612. Therefore he prayed to allow the application and to re-open the case against the accused for trial.

Perused the records and heard APP on the application.

It appears that in this case, repeated summons and arrest warrants were issued against the accused but the police was not able to secure the presence of the accused and therefore the court had stopped the proceedings against the accused by exercising the power U/Sec. 258 of CRPC. Now the present application is filed by the APP U/Sec. 300 [5] which provides for trial of the accused with the consent of the court against which accused the proceedings were stopped U/Sec. 258 of CRPC.

It is to be noted here that the proceedings were stopped by the court on earlier occasion only on the ground that the presence of the accused could not be secured inspite of issuance of process. Now as the requisition is filed stating that the accused is in J.C. in another crime, it is just and necessary to re-open the case against the accused.

Therefore for the above reasons, I proceed to pass the following:

O R D E R

Application filed by the APP U/Sec. 300 [5] of CRPC is allowed.

The case is re-opened and the prosecution is permitted to proceed against the accused in accordance with law.

Issue Body Warrant against the accused who is in J.C. in C.C.No. 457/2012 [Nimbarga P.S. Cr.No. 30/2011] under U.T.P. No. 2612.

Call on 15-6-2015.

Prl. Civil Judge & JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Kallappa S/o Chandrakant Kambale, R/o Tadola as on 28-01-1992 at Tadola Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is absent. Sri.BAD adv. prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

09-06-2016
Petitioner by GRP
R 1 to 3- absent
For orders

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Prabhu S/o Chandrasha R/o Madiyal as on 20-08-1977 at Madiyal village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

AGP filed application under Order 9 Rule 7 R/w Sec.151 of CPC for setting aside exparte order passed against defendant No.1, 2, 4, 5 and 9.

BSN adv. stated no objection to allow the application. Hence the application is allowed and the order of exparte passed against defendant No. 1, 2, 4, 5 and 9 is set aside and they are permitted to contest the suit on merits.

AGP filed memo appearance for defendants No.1, 2, 4, 5 and 9 also filed memo for defendants No.1, 2, 4, 5 and 9 adopting the W/S filed by defendant No.6.

PW.1 is present. He is fully corss examined by AGP.

SSC adv. and defendant No.7 are called out absent. Hence cross of PW.1 by defendant No.3 and 7 is taken as Nil.

For further evidence of plaintiff if any call on 25-06-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Dattappa S/o Dharmanna Jamadar, R/o Padasavali as on 03-09-1996 at Padasavali Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

(Dictated to the Typist on Computer directly, typed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the 9th day of June -2016).

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Chapalu S/o Ramsing Rathod, R/o Aland as on 21-01-2000 at Seva Nagar Tanda, Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Lalubai W/o Chapalu Rathod, R/o Seva Nagar Tanda, Aland as on 31-01-2005 at Seva Nagar Tanda, Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's son by name Kedar S/o Late Bandappa Sapale, R/o Salegaon as on 02-12-2014 at Salegaon village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND
<><><>

Case called out.

Accused No.1, 4 and 5 are present. NBW to A2 un-executed.

Smt. JNH adv. Filed memo producing the certified copy of the order passed in Crl.Petition No. 200581/2016 dated 29-04-2016 passed by the Hon'ble High Court of Karnataka, Kalaburagi Bench.

For hearing on the order produced.

Call on 07-07-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Khatalappa S/o Ladappa Tole, R/o Bhim Nagar, Aland as on 11-06-1989 at Bhim Nagar Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,

ALAND

Case called out.

Accused No.1, 4 and 5 are present. Proclamation against accused No.2 is duly published on 04-05-2016. Accused No.2 is called out absent.

Police are directed to furnish property particulars of the accused No.2.

Issue NBW and attachment warrant against accused No.2.

Call on07-07-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.188/2008

Case called out.

Proclamation against accused No.2 is duly published on 04-05-2016. Accused No.2 is called out absent.

Police are directed to furnish property particulars of the accused No.2.

Issue NBW and attachment warrant against accused No.2.

Call on07-07-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.201/2015

Case called out.

Sri.BGB adv. filed I.A.III under Sec. 151 of CPC for reopening the case, I.A.IV under Order 18 Rule 17 of CPC for recall of PW.1 for further examination and I.A.No.V under Order 7 Rule 14(3) of CPC for permission to produce document.

Defendants are exparte in this case. Perused the applications and heard. Satisfied with the reasons.

Hence I.A.No.3 to 5 are allowed.

Case is reopened, PW.1 is permitted to be recalled and plaintiff is permitted to produce document. List with one document is filed.

PW.1 is present. He is further examined in chief and Ex-P-2 is marked.

Heard arguments.

For Judgement 15-06-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.215/2015

Case called out.

Sri.PNS adv. filed power for defendant and also filed W/S for defendants in two sets.

For compliance U/Sec.89 and Order 10 of CPC

Call on 23-07-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

FDP.No.3/2014

Case called out.

Petitioner and counsel are absent. No representation. Hence objections to applications are taken as not filed.

Applications filed by respondents U/Sec.151 of CPC are hereby allowed on cost of Rs.250/-.

The case is reopened to the petitioner's evidence and respondents are permited to cross examined PW.1

For cross of PW.1 call on 30-06-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.BIS adv. filed I.A. under Order 16 Rule 1 and 2 CPC seeking permission to file list of witnesses.

Perused and heard. Allowed. Plaintiff is permitted to file list of witnesses. List of two witnesses filed.

Witness by name Sushila W/o Mallari Gajakosh (Dhor) is present. She filed her affidavit in lieu of chief examination. She is examined as PW.2.

MVE prays time for cross of PW.1.

Call on 30-06-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.BAD filed I.A.No.II under Order 18 Rule 17a of CPC for recall of PW1 for the purpose of further examination.

Defendants are exparte in this case. Perused the application and heard. Satisfied with the reasons.

Hence I.A. is allowed and PW1 is permitted to be recalled.

PW.1 is present. She is further examined in chief and Ex-P8 is parked.

For arguments call on 10-06-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.93/2011

Case called out.

Sri. SAP advocate filed I.A. under Order 16 Rule 1 and 2 CPC seeking permission to file list of witnesses. Sri. SSC advocate stating no objection to I.A.

Hence I.A. is allowed and plaintiff is permitted to file list of witnesses. List with two witnesses filed.

Witness by name Eknath S/o Laxman Ete is present. He filed his affidavit in lieu of chief examination. He is examined as PW2.

Witness by name Revansiddappa S/o Malleshappa Dhangapur is present. He filed his affidavit in lieu of chief examination. He is examined as PW3.

SSC advocate prays time for cross PW2 and 3.

Call on 24-06-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Tajbee W/o Abdulsab Nagarchi, R/o Aland as on 21-04-1985 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff and counsel are absent. No representation.

Perused order sheet. Sufficient time is given but plaintiff failed to take steps against the defendant.

It appears that, petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.152/2012

Case called out.

Plaintiff is absent. Sri. SOM for AWA advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.159/2013

Case called out.

Sri.MVE Advocate filed I.A. U/Sec. 151 of CPC seeking time to file W.S. of the defendant. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time granted.

For W/S of defendant No.7 as last chance.

Call on 29-06-2016.

Prl. Civil Judge,
Aland.

O.S.No.17/2016

Case called out.

Defendant and counsel absent. W/S and objection to I.A. of defendant are taken as not filed.

Sri. IRP for BAD Advocate filed I.A. No.VI U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till further orders.

For plaintiff evidence.

Call on 24-06-2016.

Prl. Civil Judge,
Aland.

P C No.8/2016

Complainant and counsel absent. No representation. Hence the complaint is dismissed for non prosecution.

Prl. Civil Judge,
Aland.

Case called out.

Sri. IRP for BAD Advocate filed I.A. No.IV U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till next date of hearing.

Sri. SOM Advocate filed I.A.V U/Sec. 151 of CPC seeking time to file W.S. of the defendant. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time granted.

For W/S and objection as last chance.

Call on 28-06-2016.

Prl. Civil Judge,
Aland.

Accused No.2, 7 and 10 are present.

Accused No.5, 8, 9 and 11 are absent. E/A filed. Heard and allowed.

Accused No.1, 3 and 4 are produced under body warrant.

CW.9 is present. He is examined as PW.7 and Ex-P1(b), 5, 5(a) and 3(b) are marked.

Body warrant of accused No.1, 3 and 4 is extended till next date.

Police are directed to produce the accused No.1, 3 and 4 on next date hearing.

Issue NBW to CW.5.

Call on 25-05-2015.

Prl. Civil Judge & JMFC,
Aland.

O.S.No.231/2013

PNS adv filed memo produced paper publication. Perused. Citation is duly published. S/S to D4 is held sufficient. D4 called out absent.Hence he is prays exparte.

PNS filed IA No.X for extension of TI. Perused and heard. Allowed. TI is extended till further orders.

PRL.CIVIL JUDGE & JMFC,
ALAND

188/2013

Case called out.

Plaintiff is absent. Sri. SDB advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Gourabai W/o Salabanna Kambar R/o Hadalagi as on 08-05-1981 at Hadalagi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Yallavva W/o Nagappa Kambar R/o Hadalagi as on 19-05-2000 at Hadalagi in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Basha Sab S/o Dada Patel, R/o Hebli as on 10-08-1985 at Hebli Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Ameena W/o Basha Sab R/o Hebli as on 08-08-2010 at Hebli Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Madappa S/o Somanna Pujari (Devantagi), R/o Khanapur as on 28-01-2009 at Khanapur Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Erannappa S/o Gurusiddappa Mangalure, R/o Aland as on 20-01-1999 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Bheemrao S/o Gyanaba @ Sayaba Chavan, R/o Alanga as on 03-02-1990 at Alanga Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Umda Begum W/o Hussain Patel, R/o Hebli as on 28-06-1999 at Hebli village, in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R23

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Hussain Patel S/o Lala Patel, R/o Hebli as on 13-10-2010 at Hebli village, in the Death register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.3 and 5 to 11 are present.

Accused No.4 is absent. E/A filed. Heard and allowed.

Accused No.1 and 2 are produced under body warrant.

Heard on charge. No grounds are made out for discharge.

Body warrant of accused No.1 and 2 is extended till next date.

Police are directed to produce the accused No.1 and 2 on next date hearing.

For charge call on 25-05-2015.

Prl. Civil Judge & JMFC,
Aland.

Accused No.2, 7 and 10 are present.

Accused No.5, 8, 9 and 11 are absent. E/A filed. Heard and allowed.

Accused No.1, 3 and 4 are produced under body warrant.

CW.9 is present. He is examined as PW.7 and Ex-P1(b), 5, 5(a) and 3(b) are marked.

Body warrant of accused No.1, 3 and 4 is extended till next date.

Police are directed to produce the accused No.1, 3 and 4 on next date hearing.

Issue NBW to CW.5.

Call on 25-05-2015.

Prl. Civil Judge & JMFC,
Aland.

Accused No.1, 6 and 9 are present.

Accused No.3 and 8 are absent. E/A filed. Heard and allowed.

Accused No.2, 4 and 5 are produced under body warrant.

Body warrant of accused No.2, 4 and 5 is extended till next date.

Police are directed to produce the accused No.2, 4 and 5 on next date hearing.

For 313 statement call on 25-05-2015.

Prl. Civil Judge & JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Auliyanbi W/o Meera Patel, R/o Hadalagi as on 27-10-2006 at Hadalgi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's brother by name Meera Patel S/o Pasha Patel, R/o Hadalagi as on 29-05-1999 at Hadalgi Village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Pasha Patel S/o Meera Patel R/o Hadalgi, as on 16-09-2003 at Hadalgi in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No. 388/2015

Case called out.

Petitioner and counsel are present.

Smt. UKI advocate filed memo stating that, the petitioner has received entire claim amount and therefore the petition may be closed.

Perused and heard. The memo is duly attested by the petitioner.

Satisfied with the same.

In view of the submission made and memo filed, the present petition is dismissed as fully satisfied.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.404/2014

Perused office note and records of the case.

The office has received order of the Hon'ble High Court of Karnataka, Kalaburagi Bench passed in Criminal Petition No.200789/2014.

C.C.No.404/2014

On perusal of the above said order, it reveals that the petition filed by the petitioners therein for quashing of entire proceeding of this case has been allowed as per order dated 21-03-2016 and accordingly the proceedings of the present case have been quashed.

The complaint is present. Heard him and satisfied.

In view of the order of the Hon'ble High Court of Karnataka stated supra, the present case is disposed of as the proceedings are quashed by the Hon'ble High Court.

Prl. Civil Judge & JMFC,
Aland.

Perused order sheet.

Accused No.3 has been absent since long and inspite of repeated issuance of process, the police have failed to secure his presence before the court.

The records disclose that, the police have filed charge sheet against Accused No.1 to 3 for the offence punishable U/Sec.87 of Karnataka Police Act. The said offence is triable by this court as summons-case.

Of the accused persons, the accused No.1 and 2 have admitted their guilt and accordingly they are convicted for the above offence and have been sentence to pay fine but the accused No.3 has never appeared before the court inspite of service of summons and issuance of NBW.

Thus, the prosecution has utterly failed to trace out the accused No.3. Therefore in view of law lay down and reported in *ILR-1994-Karnataka-page-No-3308,* I am of the opinion that, this is a fit case to invoke the provisions of Sec.258 of Cr.P.C. Further the prosecution is at liberty to move an application after tracing out the accused No.3. Accordingly, the above case is disposed off.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Accused is present and filed application under Sec.70(2) of Cr.P.C. Perused and heard. Allowed. NBW issued against accused is cancelled on penalty of Rs.100/-.

Charge is framed against the Accused for the offence punishable U/Sec.504 and 324 of IPC. The same is read over and explained to the accused in the language known to him. He pleaded not guilty and clamed to be tried. Plea is recorded.

Hence, issue witness summons to CW 1 to 5.

Call on 08-06-2016.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Accused No.4 to 11 are present. Accused No.3 is absent. E/A filed. Heard and allowed.

The PSI of Aland Police Station has submitted requisition to issue body warrant against accused No.1 and 2 stating that they are in J.C. in S.C.No.260/2009 under C.T.P. No.19811 and 19813 respectively in Central Jail, Kalaburagi.

Perused and heard. Satisfied with the submission.

Office is directed to issue body warrant against accused No.1 and 2 who are in J.C. in S.C.No.260/2009 under C.T.P. No.19811 and 19813 respectively in Central Jail, Kalaburagi.

Call on: 11.06.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.MVE for PNS advocate is present and submits that, the application may be allowed and the petition may be dismissed.

Perused records.

The records disclose that, the present petition is filed by the petitioner against the respondent for recovery of arrears of maintenance amount.

It is submitted by the respondent that, the matter between the petitioner and respondent is settled before the Hon'ble Court of Judge, Family Court, Vijayapur in O.S.No.3/2016 wherein the present petitioner has accepted permanent alimony from the respondent for her future maintenance and she has also agreed that, she would withdraw her pending cases before this court. Therefore the respondent has prayed to dismiss the petition.

Perused the order of the Hon'ble Family Court, Vijayapur and satisfied with the same.

In view of the submission made by the counsel for the petitioner and respondent, the present petition is dismissed as compromised out of court.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. MVE for PNS advocate is present and submits that, the application may be allowed and attachment warrant may be recalled.

Perused records.

The records disclose that, the present petition is filed by the petitioner against the respondent for recovery of arrears of maintenance amount and since the respondent failed to pay the same, this court has ordered for attachment of Bank Account No.849510100013513 standing in the name of the respondent and maintained with the Bank of India, Vijayapur.

It is submitted by the respondent that, the matter between the petitioner and respondent is settled before the Hon'ble Court of Judge, Family Court, Vijayapur in O.S.No.3/2016 wherein the present petitioner has accepted permanent alimony from the respondent for her future maintenance and she has also agreed that, she would withdraw her pending cases before this court and also the attachment warrant. Therefore the respondent has prayed to recall the order of attachment of account.

Since the counsel for the respondent has stated no objection to recall the attachment warrant, I proceed to pass the following:

ORDER

The order of attachment of Bank Account No.849510100013513 standing in the name of the respondent by name Basavaraj S/o Gurulingappa Burli, R/o Vijayapur and maintained with the Bank of India, Vijayapur is hereby recalled.

Issue necessary intimation to the concerned Bank.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.MVE for PNS advocate is present and submits that, the application may be allowed and the petition may be dismissed.

Perused records.

The records disclose that, the present petition has already been allowed thereby enhancing the maintenance amount. Now the respondent has come up with a plea that, the matter between the petitioner and respondent is settled before the Hon'ble Court of Judge, Family Court, Vijayapur in O.S.No.3/2016 wherein the present petitioner has accepted permanent alimony from the respondent for her future maintenance and she has also agreed that, she would withdraw her pending cases before this court. Therefore the respondent has prayed to dismiss the petition.

No doubt, the respondent has stated no objection to dismiss the petition, since this court has already allowed the present petition, the court cannot recall its order.

Considering the above facts and circumstances, the application of the respondent is dismissed and the court has taken note of the above compromise between the parties.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc. No.2/2016

Case called out.

Petitioner is absent. RJP advocate prays time.

Perused ordersheet. Sufficient time is given but petitioner failed to take steps against the respondents.

It appears that, petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

F.I.R.No.185/2016

Case taken on today's board on the application filed by RMS advocate.

Sri.RMS advocate filed power for one Karabasappa S/o Apparaya, R/o Suntanoor and application under SEc.457 of Cr.P.C. for interim custody of vehicle barring Reg.No.KA-32/EJ-2075. He also filed documents in respect of the vehicle.

For objections call on 04-05-2016.

Prl. Civil Judge,

Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother in law by name Parvatibai W/o Tukaram Nakate as on 23-10-2000 at Tadola village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father in law by name Tukaram S/o Kalla Nakate as on 19-03-2014 at Tadola village Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Ningappa S/o Siddappa Bhavimani as on 15-10-1997 at Dhuttargaon village in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.AVK and MVE are present.

Sri.AVK advocate filed memo stating that in view of the amendment to Karnataka Panchayat Raj Act brought by the Karnataka Panchayat Raj (Amendment) Act, 2015 dated 31-12-2015, the designated court for trying the election petitions pertaining to Gram Panchayat Elections is now the Senior Civil Judge Court. Therefore he prayed to transfer the present petition to the designated court for trial.

In support of his submission, the counsel filed copies of the Amended Karnataka Panchayat Raj Act 1993. On perusal of the same and Sec.9-A of the Act, it appears that the Act is amended and now the Senior Civil Court is designated as Court for trial of Election petitions pertaining to Gram Panchayat Elections.

Further Sec.24-A of the Act provides that all the pending cases before the Court of Civil Judge pertaining to election disputes before the commencement of the Karnataka Panchayat Raj (Second Amendment) Act, 2015 shall stand transferred to the concerned Designated Court and shall be disposed off as if they are pending before them.

Hence satisfied with the submission made by the counsel. The present case being pertaining to the Gram Panchayat Election, this case is required to be transferred to the Hon'ble Court of Senior Civil Judge,

Aland for trial. Accordingly, I proceed to pass the following:

ORDER

In view of the memo filed by the counsel for petitioner, this case is transferred to the Hon'ble Court of Senior Civil Judge, Aland for trial.

Office is directed to send the entire file to the Hon'ble Court of Senior Civil Judge, Aland.

The parties are directed to appear before the Hon'ble Court of Senior Civil Judge, Aland on 30-05-2016.

Prl. Civil Judge,
Aland.

O.S.No.50/2012

Case taken on today's board on the advancement application filed by BAD advocate.

Sri. BAD Advocate filed I.A. under Order 9 Rule 4 of CPC praying the court to set aside the order of dismissal and to restore the case.

It is contended in the application that, as the plaintiff was suffering from ailment, the counsel had advised her not to come to the court if she is unable to come and therefore she did not appear before the court, but she is ready and willing to adduce her evidence in the case.

Perused and heard. Satisfied with the reasons.

Hence the application under Order 9 Rule 4 of CPC is hereby allowed. The order of dismissal is set aside and the case is restored.

For evidence of plaintiff, call as last chance on 04-06-2016.

Prl. Civil Judge,
Aland.

O.S.No. 65/2013

Case called out.

Plaintiffs are absent. Sri. BAD advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but Plaintiffs have not turned up to give evidence.

It appears that, the plaintiffs have no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.16/2016

Case called out.

Sri. ACT Advocate filed I.A. U/Sec. 151 of CPC seeking time to file W.S. of the defendants. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time granted.

For W/S of defendant No.1 to 3.

Call on 23-06-2016.

I/C Addl. Civil Judge,
Aland.

O.S.No.200/2015

Case called out.

Sri. MKG for BAD Advocate filed I.A. U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till next date of hearing.

Sri. PNS Advocate filed I.A. U/Sec. 151 of CPC seeking time to file W.S. of the defendant No.2. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Time granted.

Issue suit summons to defendant No.1 if PF paid.

Call on 10-06-2016.

I/C Addl. Civil Judge,
Aland.

O.S.No.106/2007

Case Called out.

Sri.SEA advocate filed objections to I.As. of the plaintiff contending that the applications are filed with an intention to cause

further delay in the matter and to harass the defendant.

Heard on the application and perused records. It is submitted by the counsel that examination of intended witnesses is necessary in order to prove the documents produced by the plaintiff which are favourable to his case. On perusal of the objections, the same appear to be formal in nature. The only grievance of the defendant is that, it will cause delay in the matter.

The examination of the witnesses sought to be examined by the plaintiff appears to be necessary. The objections of the defendant can be met with by imposing reasonable cost while allowing applications and further directing the plaintiff to proceed with the case without taking much time. Hence I proceed to pass the following.

ORDER

The applications filed by the plaintiff under Sec.151 of CPC and Order 16 Rule 1 & 2 are hereby allowed on cost of Rs.250/-

The case of the plaintiff is reopened for evidence and he is permitted to filed list of witnesses and to examine them.

For payment of cost and for further evidence of plaintiff final.

Call on 31-05-2016.

Prl. Civil Judge,
Aland.

Crl Misc.No. 549/2013

Case called out.

Petitioner and respondent are present.

Sri. ACT filed memo stating that, the petitioner has received entire claim amount and therefore the petition may be closed.

Perused and heard. The memo is duly attested by the petitioner.

Satisfied with the same.

In view of the submission made and memo filed, the present petition is closed as fully satisfied.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.75/2014

Case Called out.

Sri.PVA advocate filed I.A. under Sec.151 of CPC for permission to file W/S of defendant No.1 and 2.

Sri.SSC advocate stated no objection to allow the application on cost.

Perused the application and heard. Satisfied with the submission.

In view of the submission made, the application is allowed and defendant No.1 and 2 are permitted to file W/S on cost of Rs.400/-.

Defendant No.1 filed written statement in two set. Defendant No. 2 filed memo stating that he is adopting W/S of defendant No.1.

For Compliance under Sec.89 and Order 10 of CPC.

Call on 25-06-2016.

Prl. Civil Judge,
Aland.

O.S.No. 44/2012

Plaintiff is called out, absent. Sri. PVA advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 50/2012

Plaintiff is called out, absent. Sri. IRP for BAD prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No. 234/2013

Case called out.

Perused records.

Sri.DSN has filed memo stating that the petitioner does not want to press the petition on the last date of hearing.

Heard on memo.

Satisfied with the same.

In view of the submission made and memo filed, the present petition is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.4/2016

Case called out.

Sri. IRP Advocate filed I.A. U/Sec. 151 of CPC seeking time to file W.S. of the defendan.t No.2. The

application is accompanied by the memo of facts.

O.S.No.4/2016

Perused and Heard. Satisfied with the reasons stated therein. Hence allowed. Time granted.

Reissue suit summons and emergent notice to defendant No.3 if PF paid.

Call on 25-06-2016.

I/C Addl. Civil Judge,
Aland.

O.S.No.251/2015

Case taken on today's board on the advancement application filed by UKI advocate.

Smt. UKI Advocate filed I.A.VIII U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by the memo of facts.

O.S.No.251/2015

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till next date of hearing.

Call on 01-06-2016.

Prl.Civil Judge,
Aland.

O.S.No.204/2015

Case called out.

Sri. IRP Advocate filed I.A. U/Sec. 151 of CPC seeking extension of T.I. order passed by the court. The application is accompanied by the memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. order is extended till next date of hearing.

Sri. MVE Advocate filed I.A. U/Sec. 151 of CPC seeking time to file W.S. of the defendant No.2. The application is accompanied by the memo of facts.

Perused and Heard. Satisfied with the reasons stated therein. Hence allowed. Time granted.

Call on 25-06-2016.

I/C Addl. Civil
Judge,
Aland.

Case called out.

Sri.BAD advocate filed memo stating that one more civil suit is filed by the plaintiffs before Senior Civil Court Aland and therefore the plaintiffs do not want to press the present suit.

Perused and heard.

The memo is duly signed by the plaintiffs. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

I/C ADDL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.BAD advocate filed memo stating that one more civil suit is filed by the plaintiffs before Senior Civil Court Aland and therefore the plaintiffs do not want to press the present suit.

Perused and heard.

The memo is duly signed by the plaintiffs. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as not pressed.

I/C ADDL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's mother by name Nimbevva W/o Mahadevappa Yenegur, R/o Aland as on 19-03-1999 at Aland in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. DSN Advocate prays time for objections.

Perused records. The defendant has not filed W/S. Hence no grounds are made out for granting time.

Perused the application, proposed amendment and records of the case. The proposed amendment appears to be minor in nature and the same will not change the nature of the suit and affects the rights of the defendants. Hence the same is necessary. Satisfied with the reason.

Hence I.A.V is allowed and plaintiff is permitted to amend the plaint as prayed for plaint and schedule.

For amendment and amended plaint, Call on 03.03.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S No.115/2014

Case called out.

Sri. DSN Advocate prays time for objections.

Perused records. The defendant has not filed W/S. Hence no grounds are made out for granting time.

Perused the application, proposed amendment and records of the case. The proposed amendment appears to be minor in nature and the same will not change the nature of the suit and affects the rights of the defendants. Hence the same is necessary. Satisfied with the reason.

Hence I.A.V is allowed and plaintiff is permitted to amend the plaint as prayed for plaint and schedule.

For amendment and amended plaint, Call on 03.03.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff and his counsel are called out, absent.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. SSC Advocate filed I.A. U/O 6 Rule 17 of CPC for amendment of plaint and schedule A. Memo of proposed amendment is filed.

Sri. KPT for PNS Advocate is present and submitted that I.A. may be allowed.

Perused the application, proposed amendment and records of the case. The proposed amendment appears to be minor in nature and the same will not change the nature of the suit and affects the rights of the defendants. Hence the same is necessary. Satisfied with the reason.

Hence I.A. is allowed and plaintiff is permitted to amend the plaint as prayed for.

For amendment and amended plaint, Call on 27.04..2016.

I/C ADDL.CIVIL JUDGE & JMFC,
ALAND

O.S No.30/2015

Case taken on today's board on the advancement application filed by RJP advocate.

Plaintiff and defendants No. 1 to 3 are present. Their counsel Sri.RJP and JNH Advocates are also present.

The parties submitted that they have settled the matter among themselves as the defendants have agreed to give Rs.7000/- per month to the plaintiff from freedom fighter pension of Late Shivalingappa. Accordingly they prayed to dismiss the suit as not pressed.

Perused and heard.

The memo is duly signed by the parties. Satisfied with the same.

In view of the submission made and memo filed, the present suit is dismissed as settled out of court.

I/C ADDL.CIVIL JUDGE & JMFC,
A LAND

O.S No.143/2015

Case called out.

Sri. BAD Advocate filed I.A.No.III U/O 3 Rule 2 of CPC seeking permission to lead the evidence of plaintiff through her SPA holder. Original SPA is filed along with a memo.

The defendants have not filed W/s in this case. Perused the application and SPA. It is submitted that, the plaintiff has become old and she has become weak and is unable to attend the court. Heard on the application. Satisfied with the reasons.

Hence I.A.No.III is allowed and the plaintiff is permitted to lead her evidence through SPA holder.

For Plaintiff evidence call on.02-06-2016

Prl.CIVIL JUDGE & JMFC,
ALAND

`O.S.No.44/2014

Case called out.

Sri.CNT advocate filed I.A.III under Order 7 Rule 14(3) of CPC seeking permission to produce document. List with one document is filed.

Perused and heard. The document sought to be produced is certified copy of registered sale deed. Satisfied with the reasons and hence the application is allowed. The plaintiff is permitted to produce document subject to admissibility in evidence. The document is taken on record.

CNT advocate also filed I.A.No.IV under Order 1 Rule 10 for impleading one Siddanna Gouda S/o Apparao Patil, R/o Salegaon as defendant No.2 in this case.

Issue notice of I.A.No.IV to proposed defendant No.2 if PF paid.

Call on15-06-2016.

I/C ADDL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. AWA Advocate filed I.A.No.IV U/O 6 Rule 17 of CPC for amendment of plaint and schedule.

The defendants are absent in this case.

Perused the application, proposed amendment and records of the case. The proposed amendment appears to be in the nature of rectification of survey number of the suit property which is inconsonance with the revenue records of the property. Hence the same is necessary. Satisfied with the reason.

Hence I.A.No.IV is allowed and plaintiff is permitted to amend the plaint and schedule as prayed for.

Amendment is carried out and amended plaint is filed.

AWA advocate filed application filed under Sec. 151 of CPC for reopening the case and for furnishing to further examine PW.1 in chief. The respondents are called out, absent.

Perused the applications and heard. Satisfied with the reasons. Hence, the applications are allowed. Case is reopened and PW.1 is permitted to further examine in chief.

PW.1 is present. She is further examine in chief. Since the defendants and their counsel are called out, absent, cross of PW.1 is taken as nil.

Heard arguments.

For Judgment

Call on 26-04-2016.

I/C ADDL.CIVIL JUDGE & JMFC,
ALAND

O.S No.225/2014

Case called out.

Sri. SSC Advocate filed I.A.No.IV U/O 6 Rule 17 of CPC for amendment of plaint and schedule. Memo of proposed amendment is filed.

Sri. DSN Advocate is called out, absent. The Defendant has not filed W.S in this case.

Perused the application, proposed amendment and records of the case. The proposed amendment appears to be in the nature of explanation to the pleadings already taken. Hence the same is necessary. Satisfied with the reason.

Hence I.A.No.IV is allowed and plaintiff is permitted to amend the plaint as prayed for.

For amendment and amended plaint, Call on 31.05.2016.

Prl.CIVIL JUDGE & JMFC,
ALAND

O.S No.69/2015

Case called out.

Plaintiff and counsel are absent.

No representation. Steps not taken.

It appears that, Plaintiff has no interest in the suit.

Hence the suit is dismissed as steps not taken.

Prl.CIVIL JUDGE & JMFC,
ALAND

Case taken on today's board on the advancement application filed by PVA advocate.

PVA advocate filed I.A. under Order 9 Rule 9 of CPC praying the court to set aside the order of dismissal of suit. It is submitted that the plaintiff is present before the court and intending to adduce evidence. However since the Plaintiff got late to come to the court, the order in question is passed.

Perused and heard. Satisfied with the submission and reason.

Hence I.A. is allowed and the order of dismissal of suit dated 21-04-2016 is set aside and the plaintiff is permitted to proceed with the suit.

For plaintiff evidence call on 22-04-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

PVA advocate filed I.A. under order 7 Rule 14(3) of CPC seeking permission to produce documents.

Perused and heard. Satisfied. Hence I.A.is allowed and plaintiff is permitted to produce documents subject to admissibility in evidence. List with four documents are filed.

Plaintiff is present. He filed his affidavit in lieu of examination in chief. He is examined as PW.1 and EX-P1 toEX-P9 are marked.

RJP advocate prays time for cross of PW.1. Granted.

PVA advocated filed I.A. under Order 16 Rule 1 and 2 of CPC seeking permission to file list of witnesses. Perused and Heard. Allowed. List of five witnesses is filed.

For cross of PW.1 call on16-06-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

.

O.S.No. 30/2011

Plaintiffs called out, absent. Sri.KPT for PNS advocate prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiffs have not turned up to give evidence.

It appears that, the plaintiffs have no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's brother by name Shivalingappa S/o Sidramappa Dhoopad, R/o Yelasangi as on 24-12-1992 at Yelasangi in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's brother's wife by name Subhadra W/o Shivalingappa Dhoopad, R/o Yelasangi as on 10-04-1988 at Yelasangi in the Death Register maintained by

him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Narsabai W/o Laxman, R/o Tadola as on 30-06-1970 at Tadola in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 241/2009

Plaintiff called out, absent. His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.258/2016

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Gurushantappa S/o Siddappa Pareet as on 13-10-1998 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,

ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

Crl Misc.180/2016

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Anil S/o Kalyanrao Awate as on 03-07-2013 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of birth of the Petitioner by name Vinod S/o Siddanna Halle as on 11-04-1992 in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc No.330/2016

Case taken on today's board on the application filed by Smt.JNH advocate.

Notice to respondent No.1 to 6 is duly served. Respondent No. 1 to 6 are called out. Absent.

JNH advocate filed memo producing paper publication. Perused and heard. Citation is duly published. No one appeared in response to publication.

Petitioner submits that he has got one sister by name Chandamma who is not made as party to this petition. Hence petitioner is directed to take steps.

Call on 10-05-2016.

Prl. Civil Judge & JMFC
ALAND

Case called out.

Notice to respondent No.1 to 6 duly served. Respondent No.1 to 6 are called out absent.

Sri. MMM filed memo-producing News Papers. Perused. Citation is duly published. No one appeared in response to publication.

For Evidence, call on 20-04-2016

Prl. Civil Judge & JMFC
ALAND

Case called out.

Sri.B.A.D.. filed application U/Order 3 Rule 1 of Code of Civil Procedure, seeking permission to lead evidence of plaintiff through S.P.A holder. Original Spl. Power of Attorney is filed. Further Vakalath of S.P.A. holder of plaintiff is filed.

S.S.C. Advocate is called out. Absent. Perused and heard. Plaintiff has duly executed S.P.A. infavour of Siddanna Savalse. Satisfied with the reasons. Hence the application is allowed. Plaintiff is permitted to lead evidence through S.P.A. holder.

S.P.A. holder of plaintiff is present and filed his affidavit in lieu of chief examination. He is examined as PW-1 and Ex.P-1 to Ex.P-6 are marked.

For Cross of PW-1, call on: 04.06.2016.

PRL. CIVIL JUDGE & JMFC,
ALAND.

Case called out.

Sri.S.S.C. filed application U/Sec. 151 of Code of Civil Procedure, 1908 for re-opening the case and I.A. u/Order 18 Rule 17 of Code of Civil Procedure, for re-call of PW-1.

Perused and heard. Satisfied with the same. Hence the applications are allowed. The case is re-opened to the plaintiffs evidence and PW-1 is re-called to lead further evidence.

PW-1 is present. He is further examined in chief and Ex.P-4 is marked.

Heard arguments.

For Judgment, call on: 20.04.2016.

PRL. CIVIL JUDGE & JMFC,
ALAND.

Case called out.

Sri.S.S.C. filed two applications U/Sec. 151 of Code of Civil Procedure, 1908 for re-opening the case and for permission to lead further examination of PW-1.

O.S.No. 41/2015

Perused and heard. Satisfied with the same. Hence the applications are allowed. The case is re-opened to the plaintiffs evidence and Plaintiff is permitted lead further evidence.

PW-1 is present. She is further examined in chief. Cross of PW-1 is taken as nil.

Heard arguments.

For Judgment, call on: 20.04.2016.

PRL. CIVIL JUDGE & JMFC,
ALAND.

Case taken on today's board on the application of Sri.R.V.G. Advocate.

Plaintiff is present and filed his affidavit in lieu of chief examination. He is examined as PW-1 and Ex.P-1 is marked.

S.S.C. Advocate prays time for cross. However defendants have not filed W.S. Therefore cross of PW-1 is taken as nil.

For Arguments, call on: 26.04.2016.

PRL. CIVIL JUDGE & JMFC,
ALAND.

Civil Misc.No. 26/2009

Case called out.

Sri.SDB Advocate filed memo stating that the petitioner does not want to press the present petition and therefore he prayed to dismiss the petition as not pressed.

Perused and heard. The petitioner has been absent since long. Satisfied with the submission.

In view of the memo filed and submission made, the present petition is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is absent. ACT advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suitis dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc.No. 547/2015

Case called out.

Petitioner is absent. ACT advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but petitioner has not turned up to give evidence.

It appears that, the petitioner has no interest in the petition.

Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc No.230/2014

Case called out.

Petitioners and his counsel are absent. No representation.

Perused order sheet. Sufficient time is given for taking steps.

It appears that there is no interest in prosecuting the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Abdul Sab S/o Moddin Qureshi as on 01-01-1980 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Rehmat bee W/o Maheboob as on 11-04-2004 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Hanif Sab S/o Mahiboob Sab as on 01-02-1990 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

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(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Maheboob S/o Hussain as on 25-08-1974 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.238/2015

Case called out.

Sri.PNS advocate filed I.A.I under Order 6 Rule 17 of CPC for amendment in prayer column of plaint. Memo of proposed amendment is filed.

Perused and heard. The proposed amendment is formal in nature and the same is necessary for adjudication of the case. Satisfied with the reasons given.

Hence I.A.No.I is allowed and plaintiff is permitted to amend the plaint as prayed for in the memo of proposed amendment.

For carrying out amendment and for furnishing amended plaint.

Call on 13-04-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 87/2015

Case called out.

Plaintiff and defendant are present and submit that the matter is settled out of court.

Sri.ACT Advocate filed memo stating that the plaintiff is grand mother of defendant and therefore the parties have settled the matter out of court and as such plaintiff does not want to press the present suit and therefore he prayed to dismissed the suit as not pressed.

Perused. The memo is duly attested by the plaintiff. Enquired with the parties. Satisfied and accepted.

In view of the memo filed and submission made, the present suit is dismissed as not press.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused is produced from Judicial Custody in open court on this 6th day of April, 2016 at 1 p.m. by investigation officer i.e. CPI of Aland Circle.

On enquiry the accused submitted that he has been brought to the court directly from Jail, and that he knows that, the police have brought him to the court today for the purpose of collection of his blood samples for DNA Test. Grand mother of accused by name Sonabai W/o Shivappa Pujari is present. The accused submitted that, he is not represented by any advocate in this case.

The victim by name Bandamma D/o Annappa Pujari, R/o Gullolli is present along with her child of 2 months old by name Shantabai. The victim is accompanied by WHC-173 by name Prabhavati and WPC-971 by name Sharanamma of Aland Police Station. Along with victim, her father by name Annappa Pujari is present.

On further enquiry, the accused and victim submitted that, they are ready and willing to give their blood samples and the blood sample of the child for the purpose of DNA Test and there is no any force on them by any body much less the police for the same.

Physician of Govt. General Hospital, Aland by name Abhinand Bedge is present before the court along with his kit and assistants for the collection of blood samples of the accused, victim and her child.

Witnesses by name Shivappa S/o Hanamantappa Warik and Bhimarao S/o Karabasappa Dhage, both R/o Khajuri are present before the court and they submitted that they are called by police to become witnesses for the collection of blood samples of the accused, victim and her child and accordingly they have agreed for the same.

The physician collected blood samples of the accused, victim and her child with the use of his kit and assistance in open court in my presence and in presence of Investigation Officer, witnesses, father of victim and grand mother of accused. The same is collected in three separate containers i.e. Tubes, specification is written thereon. After collection of the samples, the Tubes are covered in plastic papers, Tapes are pasted on Tubes by writing details thereon, the Tubes are kept in a Thermacol box containing ice tray, the box is covered with the use of white cloth and the same is sealed in open court in my presence with seal of the court. The physician filled three forms for each person for having collected blood samples. Signatures of the accused, the Victim, the doctor, Investigation Officer and witnesses are taken thereon and also on the order sheet. I have also signed on the forms.

After completion of procedure, the box and duly filled two forms are handed over to the Investigation Officer for sending the same for test to Laboratory and one set of forms is kept with the file.

The accused is remanded back to Judicial custody and the Victim is send with her father alongwith Child.

Call on: 12.04.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND.

Case called out.

Sri.B.A.D. Advocate filed memo stating that, due to typing mistake the name of defendant No.4 is typed twice as defendant No.5 also and therefore he prayed to grant permission to delete defendant No.5 from the cause title of the plaint.

Sri.B.A.D. Advocate also filed memo stating that, the plaintiff is not interfering into the possession of the defendants over the suit property and he will not cut trees or damage the bundara. And he also prayed that, the defendants should also be directed not to cut the trees and bundara.

Heard on memo. In view of the memo filed and submission made, I.A.No.I filed by defendants No.1 to 5 under Order 39 Rule 1 and 2 of CPC is hereby allowed. The plaintiff and defendants No.1 to 5 are hereby directed to maintain status-quo over the suit property and not to cut the trees and bundara till disposal of the suit.

Sri.B.A.D. Advocate also filed I.A.II under Order 1 Rule 10 of Code of Civil Procedure, for impleading one Subhash S/o Nagappa Reddy as defendant No.5 in this suit.

Issue notice of IA.No.II to proposed defendant No.5 if P.F. paid.

Call for return of notice of proposed defendant No.5 and re-joinder of plaintiff to the counter claim filed by defendants.

Call on: 25.04.2016.

I/C. ADDL. CIVIL JUDGE,
ALAND.

Petitioner and counsel are absent.

Perused order sheet. Sufficient time is given for evidence but petitioner has not turned up to argue.

It appears that petitioner has no interest in the petition.

Hence the petition is dismissed as abated.

PRL.CIVIL JUDGE & JMFC,
ALAND

Petitioner and counsel are absent.

Perused order sheet. Sufficient time is given for evidence but petitioner has not turned up to give evidence.

It appears that petitioner has no interest in the petition.

Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

FDP No.11/2014

Case called out.

Petitioners and counsel are absent. No representation.

Perused order sheet. Sufficient time is given for taking steps.

It appears that there is no interest in prosecuting the petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. BAD advocate filed memo stating that, the present petition may be closed as fully satisfied.

Perused and heard. The records disclose that, the vacant possession of the suit property has been handed over to the decree holder through the Bailiff of the court. The same was reported by the decree holder also by filing a memo on 12-2-2016 and in the memo he had prayed for closing the petition reserving his right to file fresh petition to recover cost. But today the decree holder has filed the present memo praying the court to close the petition in full satisfaction.

Hence satisfied with the memo filed and submission made. In view of the memo filed and submission made, the present petition is dismissed as fully satisfied.

PRL.CIVIL JUDGE & JMFC,
ALAND

Petitioner called out, absent.

Sri. USS advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but petitioner has not turned up to give evidence.

It appears that petitioner has no interest in the petition.

Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.159/2011

Case called out.

Plaintiffs and counsel are absent. No representation.

Perused order sheet. Sufficient time is given for taking steps.

It appears that there is no interest in prosecuting the suit.

Hence the suit is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

Petitioner called out, absent.

Sri.BAD advocate prays time.

Perused order sheet. Sufficient time is given for evidence but Petitioner has not turned up to give evidence.

It appears that, the petitioner has no interest in the petition.

Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 135/2014

Plaintiff called out, absent. Sri.RJP advocate prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff and defendant are present and submit that the matter is settled out of court.

PNS Advocate filed memo stating that due to advice of elders, the parties have solved the dispute amicably and the plaintiff is leading happy conjugal life with defendant and therefore he prayed to dismissed the suit as not pressed.

Perused. The memo is duly signed by plaintiff. Enquired with the parties. Satisfied and accepted.

In view of the memo filed and submission made, the present suit is dismissed as not presses.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff called out, absent. Sri.RVG advocate prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence. Even cost imposed on last 2 dates is not paid.

It appears that, the plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's father by name Shivaraya S/o Kallappa Yalmeli as on 23-10-1984 in the Death Register maintained by him and issue Death Certificate after collecting he necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's mother by name Channamallawwa W/o Shivaraya Yalmeli as on 17-05-2001 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's father by name Hoovanna S/o Sharanappa as on 20-11-2011 in the Death Register maintained by him and issue Death Certificate after collecting he necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's father by name Sharanappa S/o Bhimarao Dhage as on 03-08-1997 in the Death Register maintained by him and issue Death Certificate after collecting he necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's grand father by name Anandappa S/o Bhimaray Sultanpure as on 12-06-1974 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's maternal grand mother by name Gurubai W/o Anandappa Sultanpure as on 02-08-1980 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of birth of the Petitioner by name Ashwini D/o Bhimarao Dolle as on 02-07-1989 in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of birth of the Petitioner by name Priyanka Dolle D/o Bheemarao Dolle as on 30-09-1991 in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

C.C.No.102/2012

NBW issued to accused No.2 is returned with report that he is dead. Death certificate is filed.

Perused the same and records. Satisfied with the report.

Case against accused No.1 is already abated. Hence the case against accused No.2 is abated and file is closed.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Putalabai W/o Devarao Ghatage as on 03-01-2009 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 99/2013

Plaintiff called out, absent. Sri.BAD advocate prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No.70/2011

Sri.RJP advocate prays time.

Perused order sheet. Sufficient time is given for taking steps against deceased plaintiff but not taken.

It appears that there is no interest in prosecuting the suit.

Hence the suit is dismissed as abated.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER

PASSED AND PRONOUNCED IN THE OPEN

COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Nabisab @ Nabilal S/o Fakirsab as on 28-10-2009 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Karabasappa S/o Narasappa Jawalgi as on 14-07-2008 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Petitioner is absent.

No representation. Steps not taken.

It appears that petitioner has no interest in the petition.

Hence the petition is dismissed as

not taken.

Prl.CIVIL JUDGE & JMFC,
ALAND

O.S.No.232/2009

Case called out.

Notice to plaintiff is duly served.

plaintiff called out, absent. No representation.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismisses non prosecution.

I/C ADDL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 95/2015

Plaintiff is present

Sri.BAD advocate file memo stating that since th+e plaintiff is old person and unable to sustain the physical strain of the litigation and to avoid future friction in his life, the plaintiff has decided to end the matter and he does not want to proceed with the suit and prayed to dismiss the suit.

Perused the memo and heard. The memo is duly signed by the plaintiff. Satisfied with the memo and submission.

In view of the memo filed and submission made, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 97/2013

Plaintiffs called out, absent. Sri.BAD advocate prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiffs have not turned up to give evidence. Even cost imposed is not paid.

It appears that plaintiffs have no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff called out, absent. Sri.DSN advocate prays time.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence. Even cost imposed is not paid.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Perused the records. The same disclose that, the present case is registered against the accused for the offence punishable under Sec.87 of Karnataka Forest Act which is exclusively triable by the Hon'ble Court of Sessions and not by the Magistrate

The records further disclose that, inspite of repeated issuance of process against the accused, the prosecution has failed to secure his presence. Further steps under Sec.82 and 83 of Cr.P.C have been taken but the presence of the accused is not secured and therefore the case is posted for recording evidence under Sec.299 of Cr.P.C.

However, since the case is exclusively triable by the Hon'ble Court of Session, permission is required to be obtain from the Hon'ble Prl. Sessions Judge, Kalaburagi for recording the evidence by the court in this case.

Hence office is directed to put up the entire file along with a letter before the Hon'ble Prl. Sessions Judge, Kalaburagi seeking permission to record evidence in this case.

Call on 20-04-2016.

PRL.CIVIL JUDGE & JMFC,

ALAND

Crl Misc. No.166/2015

Case called out.

Petitioner and counsel are absent.

No representation. inspite of sufficient opportunity, the petitioner has failed to take steps. It appears that petitioner has no interest in petition.

Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Petitioner is absent.

No representation. Steps not taken.

It appears that petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

Prl.CIVIL JUDGE & JMFC,

ALAND

E.P.No.15/2014

The Bailiff of the court has reported that possession warrant is executed and possession of the suit property is handed over in favour of the Decree Holder.

Sri BAD advocate filed memo station that the petition may be closed as fully satisfied.

Perused and heard. Satisfied with the bailiff report and the memo.

In view of the above, the present petition is closed as fully satisfied and office is directed to enter full satisfaction in the register.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff called out, absent. Sri.AWA advocate prays time.

Perused order sheet. Sufficient time is given for arguments. Further defendant has reported that plaintiff has already sold the suit property. Plaintiff has been absent since long. No grounds are made out for adjournment.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Accused No.1 is produced in open court under arrest warrant through H.C. 434 of Aland Police Station. Warrant is returned to the court.

On enquiry accused submitted that he was arrested today at 8.00 AM in Shakapur village and he did not complain any ill-treatment by the police.

No bail application is filed for the accused and no surety is furnished. Hence the accused is remanded to J.C.

Call on 19-03-2016.

Prl. Civil Judge and JMFC,
Aland.

Accused No.1 is produced in open court under arrest warrant through H.C. 434 of Aland Police Station. Warrant is returned to the court.

On enquiry accused submitted that he was arrested today at 8.00 AM in Shakapur village and he did not complain any ill-treatment by the police.

No bail application is filed for the accused and no surety is furnished. Hence the accused is remanded to J.C.

Call on 19-03-2016.

Prl. Civil Judge and JMFC,
Aland.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Lalbee W/o Pasha Patel as on 05-08-1977 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed

by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Pasha Patel S/o Hazarat Patel as on 08-01-1994 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Neelkanthrao S/o Basavanthrao Patil as on 08-10-2000 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc. No.772/2015

Case called out.

Petitioner and counsel are absent.

No representation. It appears that petitioner has no interest in petition.

Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

E.P.No. 16/2014

Case called out.

Sri. BAD advocate filed memo stating that, the present petition may be closed as fully satisfied.

Perused and heard. The records disclose that, the vacant possession of the suit property has been handed over to the decree holder through the Bailiff of the court. The same was reported by the decree holder also by filing a memo

on 12-2-2016 and in the memo he had prayed for closing the petition reserving his right to file fresh petition to recover cost. But today the decree holder has filed the present memo praying the court to close the petition in full satisfaction.

Hence satisfied with the memo filed and submission made. In view of the memo filed and submission made, the present petition is dismissed as fully satisfied.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 156/2010

Plaintiffs called out, absent. Their counsel is also absent. No representation.

Perused order sheet. Sufficient time is given for evidence but Plaintiffs have not turned up to give evidence.

It appears that plaintiffs have no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff called out, absent. His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence. Even cost imposed on several dates is not paid.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 192/2008

Plaintiffs are called out, absent. Their counsel is also absent. No representation.

Perused order sheet. Sufficient time is given for evidence but Plaintiffs has not turned up to give evidence. Even the suit is dismissed against defendant No.2 for not taking steps.

It appears that, plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Petitioner and counsel are absent.

No representation. Steps not taken.

It appears that petitioner has no interest in the petition.

Hence the petition is dismissed as steps not taken.

Prl.CIVIL JUDGE & JMFC,
ALAND

Case taken on today's board on the requisition filed by PSI of Aland Police Station.

Accused by name Raju S/o Shivaji Kambale, Age:25 years, Occ: Jeep Driver, R/o Degree College Tanda and Annappa S/o Krishnappa @ Krishana Pawar, Age: 25 years, Occ: Coolie Work, R/o Darga Shirur Tanda are produced in open Court on 04-03-2016 at 4-00 P.M. under body warrant by H.C.468 and P.C.613 of Aland Police Station.

It is submitted that these persons are involved in the present case and it is prayed to remand them to Judicial Custody.

Perused and heard. Satisfied with the same. Considering the facts of the case, the body warrant issued against the above accused persons is extended. Police are directed to produce the accused persons on the next date of hearing.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case taken on today's board on the advancement application filed by DSN advocate.

Sri. DSN advocate filed memo stating that the matter is settled between the parties out of court and therefore the plaintiff doses not want to press the present suit.

Plaintiff is present. Enquired with the plaintiff. The memo is duly signed by the plaintiff. Satisfied and accepted.

In view of the memo filed and submission made, the present suit is dismissed as not pressed.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused endorsement.

Aland police has submitted requisition to issue body warrant against accused No.2, 4 & 5 stating that they are in J.C. in Cr.No.89/2009 (S.C.No.260/ 2009) under C.T.P. No.19811, 19813 and 19812 respectively in Central Jail, Kalaburagi.

Perused and heard. Satisfied with the submission.

Office is directed to issue body warrant against accused No.2, 4 & 5 who are in J.C. in Cr.No.89/2009 (S.C.No.260/2009) under C.T.P. No.19811, 19813 and 19812 respectively in Central Jail, Kalaburagi.

Call on: 11.03.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused endorsement.

Aland police has submitted requisition to issue body warrant against accused No.1, 3 & 4 stating that they are in J.C. in Cr.No.89/2009 (S.C.No.260/2009) under C.T.P. No.19811, 19812 and 19813 respectively in Central Jail, Kalaburagi.

Perused and heard. Satisfied with the submission.

Office is directed to issue body warrant against accused No.1, 3 & 4 who are in J.C. in Cr.No.89/2009 (S.C.No.260/2009) under C.T.P. No.19811, 19812 and 19813 respectively in Central Jail, Kalaburagi.

Call on: 11.03.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused endorsement.

Aland police has submitted requisition to issue body warrant against accused No.2 to 4 stating that they are in J.C. in Cr.No.89/2009 (S.C.No.260/2009) under C.T.P. No.19811, 19812 and 19813 respectively in Central Jail, Kalaburagi.

Perused and heard. Satisfied with the submission.

C.C.No. 20/2010

Office is directed to issue body warrant against accused No.2 to 4 who are in J.C. in Cr.No.89/2009 (S.C.No.260/2009) under C.T.P. No.19811, 19812 and 19813 respectively in Central Jail, Kalaburagi.

Call on: 11.03.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused endorsement.

Aland police has submitted requisition to issue body warrant against accused stating that he is in J.C. in Cr.No.89/2009 (S.C.No.260/2009) under C.T.P. No.19811 in Central Jail, Kalaburagi.

Perused and heard. Satisfied with the submission.

Office is directed to issue body warrant against accused who is in J.C. in Cr.No.89/2009 (C.C.No.260/2009) under C.T.P. No.19811 in Central Jail, Kalaburagi.

Call on: 31.03.2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

Crl Misc. No.747/2015

Case called out.

Petitioner and counsel are absent.

No representation. Steps not taken.

It appears that petitioner has no interest in petition.

Hence the petition is dismissed as steps not taken.

PRL.CIVIL JUDGE & JMFC,
ALAND

The decree holder has filed application under Order 21 Rule 97 and 98 of CPC seeking police protection at the time of execution of possession by the bailiff.

Heard on the application and perused the records.

The bailiff has returned the possession warrant un executed with report that, during the course of execution of warrant, the Judgment debtor resisted and prevented him and the surveyor to survey the land in question in order to handover the possession of the property to the decree holder and accordingly he has sought Police protection for the execution of warrant.

The Judgment debtor being bound to satisfy the decree and handover possession of the property in favour of the decree holder, causing obstructions in the execution of the decree. Under such circumstances, it is just and necessary to provide police protection to the bailiff in execution of the possession warrant. Accordingly I proceed to pass the following.

ORDER

The application filed by decree holder under Order 21 Rule 97 and 98 of CPC is hereby allowed.

The Jurisdictional Police is hereby directed to give protection and assistance to the bailiff in the execution of possession warrant.

Office is directed to write a letter to the concerned police about the order and reissue possession warrant if necessary process fees is paid.

Call on 16-03-2016.

I/C ADDL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by

name Ratnabai W/o Somanna Sanagundi as 06-01-1985 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's wife by name Shivakantabai W/o Yeshwant as on 05-10-2010 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,

ALAND

<><><>

The Decree Holder has filed application under Order 21 Rule 35(3) of CPC stating that, the present decree is for possession and recovery of costs and the bailiff of the court has reported that, the suit premises is having a locked Tin Shed. Therefore he prayed to order to break open the lock and to handover the vacant possession of the premises.

I have perused the records of the case and heard the counsel for DH.

The records disclose that, the court had issued possession warrant in favour of the decree holder directing the bailiff to handover vacant possession of the suit property. The bailiff has returned the possession warrant un-executed with report that, on the suit premises, there is a Tin shed which is locked. Since the Judgment debtor is under obligation to handover vacant possession of the property in favour of the decree holder under the decree in question, he is not supposed to erect any tin shed and put a lock thereon. Since the Judgment debtor has not satisfied the decree, the court can very well order for removal of obstruction in the execution of the decree. The provisions of Order 21 Rule 35(3) of CPC clearly empowers the court to order for removal or opening any lock or breaking open any door, etc. of the suit premises, if the judgment debtor does not afford free excess to obtain possession of the suit property. Therefore for all these reasons, I proceed to pass the following.

ORDER

The application filed by decree holder under Order 21 Rule 35(3) of CPC is hereby allowed.

The bailiff of the court is hereby directed to break open the lock put to tin shed erected on the suit property and after giving reasonable time to Judgment debtor to remove his temporary shed, handover vacant possession of the suit property in favour of the decree holder. If the Judgment debtor fails to do so, the bailiff is hereby authorised to remove the

shed himself and to handover the possession of the property in favour of decree holder.

The Jurisdictional Police is hereby directed to give protection and assistance to the bailiff in the execution of possession warrant.

Office is directed to reissue possession warrant as above if necessary process fees is paid.

Call on 16-03-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of birth of the Petitioner by name Pradeep S/o Magundappa Angadi as on 06-04-1982 in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri.BAD advocate filed I.A. under Order 6 Rule 17 of CPC for amendment of plaint schedule.

Defendant is ex parte in this case. Perused the application and proposed amendment. The amendment sough is in consonance with the suit property. The same is formal in nature.

Hence I.A. is allowed. The plaintiff is permitted to amend the plaint schedule.

Amendment carried out and amended plaint is filed.

BAD advocate submits that plaintiff has no further evidence on the amended pleadings.

Heard arguments.

For Judgement call

on 20-02-2016

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff and defendant are present and submit that the matter is settled out of court.

PNS Advocate filed memo stating that due to advice of elders, the parties have solved the dispute amicably and the plaintiff is leading happy conjugal life with defendant and therefore he prayed to dismissed the suit as not pressed.

Perused. The memo is duly signed by plaintiff. Enquired with the parties. Satisfied and accepted.

In view of the memo filed and submission made, the present suit is dismissed as not presses.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Sri. ACT advocate filed memo stating that the matter is settled out of court and therefore decree holder does not want to press the petition.

Perused and heard. Satisfied.

In view of the memo filed and submission made, the present petition is dismissed as not presses.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Rajubai W/o Kamsur Chavan as on 02-11-1987 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Kamsur S/o Sanbu Chavan as on 03-11-1997 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff called out, absent. His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence. Even cost imposed on the last date is not paid.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Misc.No. 26/2009

Case called out.

No one present.

Perused the records. The case is posted for hearing on I.A.No.II .

I.A.No.II is filed by petitioner under Order 39 Rule 1 and 2 of CPC seeking temporary injunction against the respondent restraining him from alienating, mortgaging, mutating or creating charge over the suit property.

The respondent has not filed any objections to I.A.No.II.

The records discloses that the suit property in the suit is land Sy.No.13/4-A and Sy.No.7 of Wagdari Village. The petitioner has produced Record of Right in respect of the said properties which show that the suit properties are standing in the name of one Dasharath S/o Saibanna. According to the petitioner, the said person is father of the respondent. The petitioner has further contended that the suit properties are the family properties of the respondent and if the same are alienated, she will be deprived of maintenance.

The respondent has not filed any objections to this application. Hence there are no reasons to disbelieve the contention of the petitioner. Hence for all reasons and to keep the suit property intact till disposal of the suit, I am of the opinion that the petitioner is entitled to temporary injunction. Therefore I proceed to pass the following

ORDER

I.A.No.II filed by petitioner Under Order 39 Rule 1 and 2 of CPC is hereby allowed.

The respondent is hereby restrained from alienating the suit properties till disposal of this petition.

Call on

PRL.CIVIL JUDGE & JMFC,
ALAND

Petitioner called out, absent.

Sri. MKG for BAD advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence since 23-06-2014 but petitioner has not turned up to give evidence.

It appears that petitioner has no interest in the petition.

Hence the petition is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

P.W.1 called out, absent. Counsel for plaintiff is also absent. No representation.

It appears that plaintiff has no interest in the suit.

Hence chief examination of P.W.1 is discarded and suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff called out, absent.

Sri. RVG advocate prays time for evidence.

Perused order sheet. Sufficient time is given for evidence but plaintiff has not turned up to give evidence. Further the suit is for bare injunction.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

ORDER

The plaintiff has filed this application under Sec.152 of CPC praying the court to amend the compromise decree.

In the application it is contended that, the present case has been compromised on 09-10-2012 and on the basis of compromise petition, compromise decree was drawn. However on perusal of the decree, it is noticed that a mistake has occurred in mentioning the survey number in second line of para-3 of the decree and it is wrongly typed as 3 guntas instead of 35 guntas as mentioned in the compromise petition. It is further contended that, the said mistake is a typing mistake which could be corrected and therefore the plaintiff prayed to allow the application.

Heard and perused the records.

On perusal of the records of the case, the submission made by the plaintiff appears to be correct, as the compromise petition filed by the parties in this case discloses that in para-3 of the petition, the measurement of the property is mentioned as 35 guntas. Whereas in para-3 of the compromise decree which was drawn on the basis of the compromise petition, the measurement of the land is shown as 3 guntas instead of 35 guntas as mentioned in the compromise petition.

The above mistake appears to be typographical mistake which can be corrected by the court under the provision of Sec.152 of CPC. Thus in view of the above reason and the power conferred on the court under the above provision, I proceed to pass the following.

ORDER

The application filled by plaintiff under Sec.152 of CPC is hereby allowed.

The measurement of the property mentioned in para-3 of compromise decree as 3 guntas is ordered to be amended and corrected as 35 guntas.

Office is directed to draw fresh compromise decree after the incorporating the above amendment.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of birth of the Petitioner by name Reshma D/o Madhavrao as on 04-09-1994 in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand mother by name Hussain Bee W/o Maheboob Patel as on 02-06-1989 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's great grand mother by name Samadajee W/o Vajeer Patel as on 10-04-1979 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

(Dictated to the Typist on Computer directly, typed by him, Order corrected and signed by me, then pronounced by me in the Open Court on this the 14th day of January -2016).

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Maheboob Patel S/o Vajeer Patel as on 05-08-1985 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's great grand father by name Vajeer Patel S/o Ameer Patel as on 04-05-1975 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff and counsel are present.

Defendant is present. Sri. MMM Advocate filed power for defendant and application under Order 9 Rule 7 CPC seeking to set aside the order of Ex-parte passed against him.

Sri. BAD advocate stated no objection to allow the application.

Hence application is allowed. Order of Ex-parte passed against defendant is set aside and defendant is permitted to contest the suit on merits.

Plaintiff and defendant submitted that they have compromised the matter out of court. They also filed application Under Order 23 Rule 3 of CPC praying to dismissed the present suit as compromised and also to refund court fee as per law.

Heard both the counsels and enquired the parties. Satisfied and accepted. Hence the following.

ORDER

In view of the application filed and submission made, the present suit is dismissed as compromised out of court.

Office is directed to refund court fee paid by the plaintiff in his favour by way of account payee cheque on proper identification as per rules.

PRL.CIVIL JUDGE & JMFC,
ALAND

Plaintiff and counsel absent.

No representation. It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called at 3 p.m. again.

Plaintiff is absent. Counsel for the plaintiff is also absent. No representation. Inspite of grant of sufficient time, the plaintiff has not come forward to lead the evidence. It appears that plaintiff has no interest to proceed with the suit. Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

EX.No. 16/2014

Sri. BAD Advocate is present and prays for issuance of possession warrant.

Perused the records. The possession warrant issued by the court on earlier occasion is returned with endorsement that, there is no vacant property and there is tin patra shed existing on the suit property.

The counsel for the decree holder submits that, the said temporary shed was in existence since during the pendency of the suit and therefore the same is liable to be removed. Hence, he prayed to order for the removal of the shed and to handover possession of the vacant property in favour of the decree holder.

The Judgment Debtor is absent in this case and has not contested the petition. Hence there is no reason for the court not to accept the submission of the counsel for the decree holder. Since the temporary shed was in existence on the suit property and it is ordered by the court in the decree to the Judgement Debtor to hand over the vacant possession of the property, the Judgement Debtor is under obligation to hand over the vacant possession of the property by removing his temporary shed. Therefore I proceed to pass the following.

ORDER

The Bailiff of the court is directed to hand over vacant possession of the suit property in favour of the decree holder after giving reasonable time to the Judgment Debtor to remove his temporary shed existing on the property and if the Judgment Debtor fails to do so, the Bailiff is authorised to remove the same himself and to handover the vacant possession in favour of the decree holder.

The Jurisdictional police are directed to give protection and assistance to the Bailiff in the execution of the possession warrant.

Office is directed to issue possession warrant as above if necessary process fee is paid.

Call on 12-02-2016

PRL.CIVIL JUDGE & JMFC,

ALAND

Case called at 3 p.m. again.

Plaintiff is absent. Counsel for the plaintiff is also absent. No representation. Inspite of grant of sufficient time, the plaintiff has not come forward to lead the evidence. It appears that plaintiff has no interest to proceed with the suit. Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Vithal S/o Manasu Singe as on 16-02-2005 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused records. There are sufficient materials to proceed against accused No. 1 to 14. Hence, cognizance is taken against accused No. 1 to 14 for the offence punishable U/Sec.143, 504, 365 and 506 R/w 149 of IPC.

The records further disclosed that crime was registered against the accused persons in the year 2009 and FIR and complaint were submitted to the court and charge sheet was filed in the year 2013. But since the original FIR and complaint are not traced out by the concerned clerk, criminal case was not registered against the accused persons earlier. Now the PSI of Aland Police Station has filed requisition along with attested copy of FIR and complaint requesting the court to registered the criminal case. Hence on the basis of the same, the present case is registered.

However since original FIR and complaint are not traced out by the clerk, the CMO of this court is directed to issue a memo to the concerned clerk of the relevant period asking him to trace out the same or to show cause why action should not be taken against him for dereliction of duty.

Issue summons to accused 1 to 14.

Call on 02-01-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's husband by name Vaijanath S/o Sidramappa Manthale as on 28-10-1999 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Accused No. 1 and 2 are present.

Accused No. 3 and 4 are produced under body warrant.

Statement of accused No. 1 to 4 is recorded under Sec.313 of Cr.P.C, and the incriminating circumstance appearing in the evidence against them is read over, explained and made known to them in the language known to them. They denied the same in toto and submitted that they do not have any evidence to lead.

Police are directed to produce accused No. 3 and 4 on the next date.

For Arguments and compliance U/Sec.437-A of Cr.P.C.

Call on 06-01-2016.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Mallappa S/o Lakkappa Kattimani as on 24-03-2013 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out before National Lok Adalat.
Accused is present.

The complainant By name Dhanaraj S/o Anandraya Biradar is present. The complainant is identified by Court PC. The complainant submitted that the matter is compromised between him and accused.

The Counsel for the accused Sri S.S.C. is present and filed application U/Sec.320(1) of Cr.P.C. seeking permission to compound the present case.

Perused the records. The accused is charged for the offence punishable U/Secs.341, 323, 325 and 504 of Indian Penal Code. The said offences are compoundable with the permission of the court. Heard the parties and perused the records.

Hence, looking to the relationship of the parties, satisfied that the compromise is in their best interest. Hence, I proceed to pass the following.

O R D E R

The application filed U/Sec.320(1) of Cr.P.C. is hereby allowed.

The complainant and accused are permitted to compound the present case.

The accused is acquitted of the offence punishable U/Secs.341, 323, 325 and 504 of Indian Penal Code.

Bail bonds of accused and surety shall stand cancelled.

Conciliator **Judicial Conciliator**

O.S.No. 27/2013

Case called out before National Lok Adalat.

Counsel for plaintiff and defendants are present and submit that the matter is settled between the parties amicably out of court.

The counsel file memo to the above effect.

Perused the records and heard and hence satisfied.

In view of the memo filed and submission made, the present suit is dismissed as settled out of court.

Conciliator Judicial conciliator

Crl Misc. 924/2013

Case called out.

Petitioner is absent.

Sri. IRP for BAD advocate prays time.

Perused order sheet. The petitioner has been absent since long and last appeared 23-05-2014. It appears that she has no interest in the petition.

Therefore the petition is dismissed for non prosecution.

Prl. Civil Judge & JIMFC
Aland

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's grand father by name Pandurang S/o Gyanaba as on 20-08-1972 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 44/2011

Case called at 3 p.m. again.

Plaintiff is absent. Counsel for the plaintiff is also absent. No representation. Inspite of grant of sufficient time, the plaintiff has not come forward to lead the evidence. It appears that plaintiff has no interest to proceed with the suit. Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Vittu S/o Peetu Pavar as on 08-02-2011 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Laxmanna S/o Bhoju Rathod as on 14-05-2007 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND.

C.C.No. 120/2008

Case called out.

NBW to accused No. 2 returned as he is expired on 01-09-2015. Death certificate of accused No. 2 is produced.

Perused the death certificate and records of the case and heard counsel for accused and APP in the death certificate, surname of the accused No. 2 as mentioned as Dandavate. Police submitted that surname of accused No. 2 is both Halimani and Dandavate. Satisfied with the report and death certificate.

On perusal of records, it is found that split up case is registred against accused No. 1 in C.C.No.420/2012.

Hence the present case against accused No. 2 is abated. The office is directed to preserve M.O.-1 marked in this case and the records of this case till disposal of C.C.No. 420/2012.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Kheerabai W/o Vittu Pavar as on 03-04-2010 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Seetabai W/o Laxmanna Rathod as on 12-04-2006 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S.No. 119/2010

Case called at 3 p.m. again

Plaintiff is absent. Counsel for the plaintiff is also absent. No representation. Inspite of grant of sufficient time and imposition of cost, plaintiff neither paid the cost nor led the evidence. It appears that plaintiff has no interest to proceed with the suit. Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is absent. Counsel for the plaintiff is also absent. No representation. Inspite of grant of sufficient time and imposition of cost, plaintiff neither paid the cost nor led the evidence. It appears that plaintiff has no interest to proceed with the suit. Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

Case called out.

Plaintiff is absent.

Sri. PVA advocate prays time for evidence. Perused order sheet. Sufficient time is granted but plaintiff has not turned up to give evidence. It appears that plaintiff has no interest to proceed with the suit. Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,
ALAND

O.S- /2014

ORDER ON I.A FILED U/SEC. 151 OF CPC.

This application is filed by the plaintiff U/Sec 151 of CPC seeking recall of order dated 10-09-2014 and for permission to comply the office objections.

The application is accompanied by affidavit wherein it is contended that on the day fixed for hearing on office objections, the counsel for the plaintiff was not keeping well and therefore he could not attend the court but the court passed the order in question. Now the plaintiff is ready to comply the office objections. Non compliance of the objections earlier was not intentional but due to unavoidable circumstance. Therefore the plaintiff prayed to allow the application.

Heard and perused the records.

The records disclosed that, after the filing of the present suit, the office has raised objections and put the file before the court. Thereafter the case was posted for hearing on the objections. But since the plaintiff failed to comply the objections, the plaint was rejected on 10-09-2014. Now the plaintiff has come seeking permission to comply the objections.

On perusal of the objections raised by the office, it reveals that objection No. 2 and 3 pertain to the merits of the case and whereas

objection No. 1 and 4 are technical objections which the plaintiff is bound to comply before the registration of the suit. It may noted that the suit was filed more than 1 year back and if the plaintiff is not permitted to comply the objections and if he is directed to file fresh suit, it will cause inconvenience to him as his suit may be affected by the law of limitation. Moreover, still the defendants have not appeared in the suit and they are having every right and opportunity to defend the suit. Considering the same and the application of the plaintiff, this court is of the opinion that to meet the ends of Justice, the plaintiff may be permitted to comply the office objections No. 1 and 4. Hence, I proceed to pass the following.

ORDER

Application filed by plaintiff U/Sec. 151 of CPC is hearby allowed.

Order dated 10-09-2014 is recalled and the plaintiff is permitted to comply the office objections No. 1 and 4.

Plaintiff has complied the office objections No. 1 and 4.

Office is directed to register the suit and put up.

PRL.CIVIL JUDGE,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's mother by name Smt. Kalawati W/o Ladappa Nadageri as on 10-04-2009 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Siddanna S/o Ramchandra Patil as on 27-09-2004 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Heerabai W/o Siddanna Patil as on 09-05-2009 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's mother by name Sarubai W/o Yashwantappa Kamshetty as on 21-06-2008 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13(III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Yashwantappa S/o Vithoba Kamshetty as on 27-09-1996 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

Crl. Misc. No. 603/2014

Case called out.

Petitioner is present and filed his affidavit in lieu of Chief Examination. He is examined as P.W.1 and Ex- P1 to P5 are marked. He closed his evidence.

Heard arguments.

For orders call on 15-12-2015

Prl. Civil Judge & JMFC
ALAND

O.S.No. 129/2014

Case called out.

Heard Smt. JNH for defendant on IA No.1 and perused the records.

IA No. 1 is filed jointly by the plaintiffs and defendant stating that there is only boundary dispute between them and the same can be resolved by conducting survey of the lands through survey commissioner and without the evidence of the parties. It is further contented that they will accept that the report of the commissioner.

In view of the reasons assigned and the looking to the controversy between the parties, IA No. 1 is allowed.

Senior Taluka Surveyor of Tahsil office, Aland is appointed as court commissioner to conduct survey and measure the lands of plaintiffs and defendant as per memo of instructions submitted by the parties and to submit his report.

The fees of the commission s fixed at Rs. 1000/-.

The Parties are directed to deposit commissioner fee and submit memo of instructions.

Office is directed to issue commission warrant after the above compliance by the parties and after payment of PF.

For return of report call on 06-01-2016.

PRL.CIVIL JUDGE,
ALAND

Crl. Misc. No. 10/2011

Case called out.

Petitioner is absent.

Sri. BAD advocate prays time for evidence.

Perused order sheet. Since from 17-11-2011 the case is posted for evidence of the petitioner. Sufficient time is granted but the petitioner did not turn up to give evidence. It appears that the petitioner has no interest in the petition.

Hence, prayer is rejected. The petition is dismissed for non prosecution.

Prl. Civil Judge & JMFC
ALAND

(Vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's father by name Ladappa S/o Murgeppa Nadageri as 08-07-1995 in the Death Register maintained by him and issue Death Certificate after collecting he necessary fees, etc.

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

(vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of death of the Petitioner's father by name Sharanayya S/o Shantayya Swamy as on 05-08-2006 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

Perused records. Since there are sufficient materials to proceed against the accused No.1 to 5 for the offence punishable U/Sec.143, 147, 323, 504, 506, 498-A, 302 and 304-B R/w Sec.149 of IPC, cognizance for the said offence is taken.

Accused No.1 to 5 are present. Copy of Charge Sheet and other prosecution papers are supplied to the accused persons as per Sec.207 of Cr.P.C. The accused persons submit that they are furnishing surety for their appearance before the Hon'ble Court of Sessions, Kalaburagi.

Surety by name Prabhu S/o Basanna Koli, Age 65, Occ: Agril, R/o Benne Shiroor, Tq. Aland, Dist. Gulbarga is present and filed declaration, affidavit and produced RTC Extract of Land bearing Sy.No. 45/10/Basavanhola measuring 4-acres 10-guntas situated at Benne Shiroor Village, Tq: Aland, along with his Photo and ID proof and he submitted that he is ready to stand as Surety to the Accused No 1 to 5 for their appearance before the Hon'ble Court of Sessions, Kalaburagi.

Perused the RTC Extract and enquired the Surety.

Satisfied and accepted.

Office is directed to take bonds of Accused No 1 to 5 and Surety for Rs. 25,000/-each.

PRL CIVIL JUDGE & JMFC,

ALAND

O R D E R

In exercise of the powers conferred U/Sec.209 of Cr.P.C, this case is committed to the Court of Hon'ble Prl. Sessions Judge, Kalaburgi for trial.

The office is directed to send entire records of the case with proper index and case properties to Hon'ble Court of Sessions, Kalaburgi.

Notify the Public Prosecutor, Kalaburgi about the committal of the case.

Accused No.1 to 5 are directed to appear before the Hon'ble Court of Session, Kalaburagi as and when process is issued.

PRL CIVIL JUDGE & JMFC,
ALAND

O.S.No. 129/2014

Case called out.

Heard Smt. JNH for defendant on IA No.1 and perused the records.

IA No. 1 is filed jointly by the plaintiffs and defendant stating that there is only boundary dispute between them and the same can be resolved by conducting survey of the lands through survey commissioner and without the evidence of the parties. It is further contented that they will accept that the report of the commissioner.

In view of the reasons assigned and the looking to the controversy between the parties, IA No. 1 is allowed.

Senior Taluka Surveyor of Tahsil office, Aland is appointed as court commissioner to conduct survey and measure the lands of plaintiffs and defendant as per memo of instructions submitted by the parties and to submit his report.

The fees of the commission s fixed at Rs. 1000/-.

The Parties are directed to deposit commissioner fee and submit memo of instructions.

Office is directed to issue commission warrant after the above compliance by the parties and after payment of PF.

For return of report call on 06-01-2016.

PRL.CIVIL JUDGE,
ALAND

Plaintiff and Counsel are absent.

Perused order sheet. Plaintiff has been absent since long.

It appears that plaintiff has no interest in the suit. This being a suit for Partition and Separate Possession, it is dismissed for non prosecution.

PRL.CIVIL JUDGE,
ALAND

Crl. Misc. No. 808/2015

Case called out.

Notice to respondent duly served. He is called out, absent.

Sri. IRP filed memo-producing NewsPapers. Perused. Citation is duly published. No one appeared in response to publication.

Petitioner is present and filed his affidavit in lieu of Chief Examination. He is examined as P.W.1 and Ex- P1 to P5 are marked. He closed his evidence.

Heard arguments.

For orders call on 10-12-2015

Prl. Civil Judge & JMFC
ALAND

EX.8/2014

Case called at 3 pm.

PW 1 called out absent. SOM Advocate is present.

Sri. MVE for PNS prays time.

Perused order sheet.

P.W.1 has filed his affidavit 21-09-2007. But there after he never turned up before the court to offer for cross examination except for few dates. He has been absent since long. It appears that he does not have any interest in the petition.

Hence, since P.W.1 not offered for cross examination, his chief examination is discarded and the petition is dismissed for non prosecution.

Prl. Civil Judge & JMFC
ALAND

(vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner's father by name Shankarao S/o Sharanappa Patil as on 28-06-2009 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

Prl. Civil Judge & JMFC
ALAND

(vide separate order pronounce in open court)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent is directed to enter the date of birth of the Petitioner by name Hanmant S/o Laxman Watarkar as 10-05-1945 in the Birth Register maintained by him and issue Birth Certificate after collecting the necessary fees, etc.

Prl. Civil Judge & JMFC
ALAND

(vide separate order pronounce in open court)

O R D E R

In exercise of the powers conferred U/Sec.209 of Cr.P.C, this case is committed to the Court of Hon'ble Prl. Sessions Judge, Kalaburgi for trial.

The office is directed to send entire records of the case with proper index and case properties to Hon'ble Court of Sessions, Kalaburgi.

Notify the Public Prosecutor, Kalaburgi about the committal of the case.

Accused is remanded to Judicial Custody till further orders from the Hon'ble Court of Sessions, Kalaburgi.

Prl. Civil Judge & JMFC
ALAND

ORDER ON BAIL APPLICATION

This bail application is filed by Accused U/Sec.437 of Cr.P.C. for his release on bail for the offence punishable U/Sec. 341,302 and 114 R/w 34 of IPC. The accused also produced certified copy of the bail order dated 30th day of October 2015 passed in Crl Misc. No.783/2015 passed by the Hon'ble Principal Sessions Judge Gulbarga U/s.438 Cr.P.C.

The accused prayed to grant regular bail as per the order of the Hon'ble Sessions Court, Gulbarga.

The learned A.P.P. has filed his objections to bail application. Heard.

On perusal of the above order, it is clear that the Hon'ble Principal Sessions Judge, Gulbarga, has granted anticipatory Bail to the accused subject to the conditions enumerated in the order. Hence, when the Hon'ble court has already granted anticipatory bail, reconsidering the bail application on merits does not arise. Therefore the bail application filed by the accused deserves to be allowed. Accordingly I proceed to pass the following

ORDER

Bail application filed by Accused U/Sec.437 of Cr.P.C is hereby allowed.

Accused is enlarged on bail on his executing personal bonds for Rs.50,000/- with One surety for the like sum subject to the conditions enumerated in the above said order.

Accused is present and submits that he is furnishing same surety for his release on bail and for his appearance before the Hon'ble Court of Sessions.

Surety by name Lava S/o Dharmanna Koli, 29Yrs. Occ: Agril. R/o Dannur, Tq. Aland, is present and filed his affidavit and declaration and produced RTC Extract of land bearing Sy.No. 76/6 measuring 2-acre 00-guntas situated at Dannur Village, along with his Photo and the copy of Election card and he submitted that he is ready to stand as Surety to the Accused for his appearance before the Hon'ble Court of Sessions Kalaburgi.

Perused the RTC Extract and enquired the Surety.

Satisfied and accepted.

Office is directed to take xseparate bonds of Accused and Surety for bail and committal.

Prl. JMFC, Aland.

(vide separate order pronounce in open court)

O R D E R

In exercise of the powers conferred U/Sec.209 of Cr.P.C, this case is committed to the Court of Hon'ble Prl. Sessions Judge, Kalaburgi for trial.

The office is directed to send entire records of the case with proper index and case properties to Hon'ble Court of Sessions, Kalaburgi.

Notify the Public Prosecutor, Kalaburgi about the committal of the case.

Accused is directed to appear before the Hon'ble Court of Session as and when process is issued.

In exercise of the powers conferred U/Sec.209 of Cr.P.C, this case is committed to the Court of Hon'ble Prl. Sessions Judge, Kalaburgi for trial.

The office is directed to send entire records of the case with proper index and case properties to Hon'ble Court of Sessions, Kalaburgi.

Notify the Public Prosecutor, Kalaburgi about the committal of the case.

Accused is directed to appear before the Hon'ble Court of Session as and when process is issued.

Prl. Civil Judge, JMFC,
Aland.

O.S. No. 225/2009

Case called out.

Defendant and Counsel are absent. Objections are not filed.

Perused the application. The same is filed by plaintiff under Order 6 Rule 17of CPC seeking amendment of plaint. Memo of proposed amendment is filed. In the application it is contended that the defendant has presently got his written statement amended incorporating the grounds for dismissal of suit and it has necessitated the plaintiff to file the present application.

I have perused the proposed amendment which is in the nature of reply to the amendment brought by the defendants in the written statement. This being subsequent development of the suit and also formal in nature, the application filed by plaintiff under Order 6 Rule 17 of CPC is allowed. The plaintiff is permitted to amend his plaint.

For carrying out amendment and for furnishing amended plaint.

Call on 08-12-2015

PRL.CIVIL JUDGE,
ALAND

Case called again at 3PM.

Plaintiff and Counsel are absent.

It appears that plaintiff has no interest in the suit. This being a suit for perpetual Injunction, it is dismissed for non prosecution.

PRL.CIVIL JUDGE,
ALAND

Perused the records.

Accused No. 2 and 3 are absent since long and whereas Accused No. 1 is regularly appearing to the court. Inspite of issuance of repeated warrants, the police have not secured the presence of accused No. 2 and 3. The case is of the year 2009 and if it is proceeded as it is, it will cause inconvenience to accused No.1. Further there is no possibility of securing the accused No 2 and 3 within a reasonable time.

There fore case against accused No. 2 and 3 is split up.

Office is directed to register split-up case against accused No. 2 and 3 and issue direction to I.O. to file split-up charge sheet against accused No 2 and 3.

(VIDE SEPARATE ORDER PASSED AND PRONOUNCED IN THE OPEN COURT)

O R D E R

The Petition filed by the Petitioner U/Sec.13 (III) of Births and Deaths Registration Act, 1969 is hereby allowed.

The Respondent No.1 is directed to enter the date of death of the Petitioner mother by name Shantabai W/o Mallikarjun Bhangargi as 25-05-2014 in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees, etc.

PRL.CIVIL JUDGE & JMFC,
ALAND

ORDER ON MEMO

In the present case the plaintiff has filed memo on 29-10-2015 stating that the defendants have delivered the vacant possession of the suit premises to him and as such the matter is settled out of court. In view of the same the plaintiff prayed to dismiss the suit and refund court fee paid by him.

In support of his claim for refund of court fee, the counsel for the plaintiff has relied on Section 66 of Karnataka Court Fees and Suit Valuation Act.

I have gone through said provision. Sec.66(a) of the said Act provides for refund of one half of amount of court fee paid if the matter is dismissed as settled out of court before any evidence has been recorded on merits of the claim. Further it is held by the Hon'ble High Court of Karnataka in a decision reported in ILR 2004 Kar. 4736 that receipt of party's affidavit in lieu of oral evidence does not among to recording of evidence on merits of the claim and refund of court fee cannot be refused on the said ground.

In the present case the plaintiff has filed his affidavit in lieu of chief examination and case is posted for cross examination which is yet to be commenced. Thus the above ruling is applicable to this case.

The memo filed by the counsel is duly signed by the plaintiff. Hence satisfied with the memo and submission. In view of the memo filed, above enabling provision and the decision of the Hon'ble High Court, the plaintiff is entitled for refund of half amount of court fee paid by him. Hence, I proceed to pass the following.

ORDER

In view of the memo file by the plaintiff, the present suit is dismissed as settled out of court.

The office is directed to refund to the plaintiff half of the amount of court fee paid by him on plaint by way of account pay cheque in his name on proper .

Prl. Civil Judge and JMFC
Aland.

C.C. 182/2013.

Case called out.

Accused No. 1 and 2 are present.

Charge is framed against the Accused No. 1 and 2 for the offence punishable U/Sec. 420 and 201 R/W Sec. 34 of IPC. The same is read over and explained to the accused No. 1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

APP prays to issue witness summons to CW 1 to 5.

Hence, issue witness summons to CW 1 to 5.

Call on 08-12-2015.

Prl. Civil Judge and JMFC
Aland.

C.C. 181/2013.

Case called out.

Accused No. 1 to 3 are present.

Charge is framed against the Accused No. 1 to 3 for the offence punishable U/Sec. 420 and 201 R/W Sec. 34 of IPC. The same is read over and explained to the accused No. 1 to 3 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

APP prays to issue witness summons to CW 1 to 5.

Hence, issue witness summons to CW 1 to 5.

Call on 08-12-2015.

Prl. Civil Judge and JMFC
Aland.

C.C. 336/2013.

Case called out.

Accused No. 1 and 2 are present.

Heard learned APP and Counsel for Accused on Charge. No grounds are made out for discharge.

Hence, Charge is framed against the Accused No. 1 and 2 for the offence punishable U/Sec. 420 R/W Sec. 34 of IPC. The same is read over and explained to the accused No. 1 and 2 in the language known to them. They pleaded not guilty and clamed to be tried. Plea is recorded.

APP prays to issue witness summons to CW 1 to 5.

Hence, issue witness summons to CW 1 to 5.

Call on 08-12-2015.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Perused the records of the case.

The records disclose that, proclamation was issued against accused No.1 to 8 for their appearance before the court on 06-12-2013 before the case was abated against accused No. and the same is reported to have been dully published on 20-12-2013 as per EX-P 20 and 21 but the accused persons failed to appear before the court on 25-01-2014 as required under the proclamation.

There after the case was posted for recording of evidence U/Sec 299 of CrPC. In the mean time the police also filed letter issued by Gram Panchayat, Kunikeri Tq and Dist. Koppal as per EX-P17 stating that the accused No.2 owns house property bearing No. 102 of Gram Panchayat Kunikeri. Along with the letter of the Gram Panchayat, a copy of tax register of the concerned Gram Panchayat is enclosed. On perusal of the same the submission made by the police is correct and the accused No.2 is having house property in his name.

Thus, it is necessary to order for attachment of the above property. Therefore, in view of Section 83 of CrPC, I proceed to pass the following.

ORDER

The house property bearing No. 102 of Gram Panchayat, Kunikeri owned by the accused No.2 by name Sakreppa S/o Bhimappa Nayak R/o Kunikeri is hereby attached.

Office of Gram Panchayat, Kunikeri, Tq. and Dist Koppal is hereby directed to enter the above order in the property register in respect of house bearing No. 102 standing in the name of accused No. 2 by name Sakreppa S/o Bhimappa Nayak of Kunikeri Tanda.

Office is directed to issue attachment warrant to the Gram Panchayat Kunikeri through District Magistrate Koppal as per Sec. 83(2) of C.R.P.C.

Prl. Civil Judge and JMFC
Aland.

Case called out.

Defendant No.1 filed objections to I.A. U/Order 6 Rule 17 of CPC.

Heard on the application. For orders.

ORDER ON APPLICATION

FILED U/ORDER 6 RULE 17 OF CPC.

This application is filed by the plaintiff seeking amendment of plaint by adding one house property in the suit. The plaintiff has submitted memo of proposed amendment with the application. According to him H.No. 2-907/23H/5 constructed on plot No. 72 measuring 40x60 situated in Sy.No. 73 of Badepur Village, is the joint family property of the parties to the suit and it is required to be added in the suit and therefore he has prayed to allow the application.

In the objections the defendant No.1 has contended that the house in question is not the joint family property but it is her self acquired property and it is not liable for partition. She also contended that she has filed suit before Senior Civil Judge, Kalaburgi against the plaintiff and Defendant No.1 seeking declaration in respect of the said property and the same is decreed. Hence for this reasons she prayed to dismiss the application.

Heard on the application and perusal the records.

According to the plaintiff the proposed property is joint family property and

according to the Defendant No.1 it is her self acquired property as she has obtained decree in respect of the said property. But it may be noted that the court cannot decide at this stage, the nature of the property and the same can be decided only after recording of evidence of parties and after conclusion of the trial. At this stage the court is dealing only with the addition of the property and not deciding the nature of the property. The Defendant No.1 has every right to prove her contention during evidence that the property is her self acquired property. But at the stage the objections are not sustainable. Therefore the present application deserves to be allowed. Hence I proceed to pass the following order:

O R D E R

The application filed by plaintiff U/Order 6 Rule 17 of CPC is hereby allowed.

The plaintiff is permitted to add the property as shown in the memo of proposed amendment.

For carrying out amendment and for furnishing amended plaint call on 18-11-2015.

Prl. Civil Judge,
Aland.

O.S.No. 260/2008

Case called out.

Sri. P.N.S. and B.A.D. are present.

Sri. P.N.S. Advocate filed application U/Sec. 151 of CPC stating that the sole plaintiff in the suit as expired on 15-5-2014 without leaving any LRs behind her.

Perused the records and heard P.N.S. and B.A.D.

Satisfied with the same.

Hence the application is allowed and the suit is dismissed as abated.

Prl. Civil Judge,
Aland.

Accuse No.1 and 2 are present and submit that they are furnishing surety.

In compliance of Sec. 437-A of Cr.P.C, Surety by name Mallinath @ Mallikarjun S/o Chandarrao, age 55Yrs. Occ: Agril. R/o Anoor, Tq. Aland Dist. Kalburgi, is present and filed his affidavit, and declaration U/Sec. 441[A] of CRPC and produced his photograph, I.D. Proof and RTC Extract of his land bearing Sy.No. 33/1, measuring 06-acres 15-guntas situated at Anoor Village. On enquiry, he submitted that he is ready to stand as Surety for the Accused No. 1 and 2 for their appearance before Appellate Court in case of appeal.

Perused the records. Satisfied and accepted.

Office is directed to take bonds of Rs. Accused and Surety for Rs. 25,000/- each as per Sec 437-A of Cr.P.C.

Heard Arguments.

For Judgement, call on 04-11-2015.

Prl. Civil Judge & JMFC,
Aland.

Accused No. 1 and 2 are present.

Accused No. 3 and 4 are not produced under body warrant.

Requisition is filed. Perused and accepted. Police are directed produced accused No. 3 and 4 on next date hearing.

.Heard arguments of APP and U.K.I. Advocates.

Body warrant of A.3 and 4 is extended till next date.

For order call on 19-10-2015.

Prl. Civil Judge & JMFC,
Aland.

ORDER ON I.A. UNDER ORDER 6 RULE 17 OF CPC

This application is filed by the plaintiff U/Order 6 Rule 17 of CPC seeking amendment of plaint as per proposed amendment. Memo of proposed amendment is filed alongwith application.

The application is accompanied by the affidavit duly sworn to by the plaintiff wherein he has contented that, taking undue advantage of the fact that the court has vacated temporary injunction granted, the defendants have during the pendency of the case illegally and un-authorisedly laid road in the suit land by stating that they are laying the road all along the line as per the survey map. It is further contented that the case is now posted for evidence of plaintiff and while preparing for evidence, plaintiff felt it necessary to amend the plaint thereby claiming the relief of mandatory injunction. If the amendment is allowed, it will avoid the multiplicity of litigation. Hence he prayed to allow the application.

Inspite of grant of sufficient opportunity, the defendants have not filed any objections to the application.

Heard the learned counsel for plaintiff and perused the records.

The points that arise for my consideration are

1. Whether the plaintiff has made out grounds to allow the proposed amendment ?
2. What order ?

My findings to the above points are as under:

Point No.1. – In the affirmative.

Point No.2. – As per final order for following

Reasons:

Point No.1: The plaintiff has filed memo of proposed amendment along with his application. I have carefully gone through the proposed amendment. By the amendment the plaintiff seeks to insert new para stating that during pendency of the suit, the

defendant have illegally laid road in the suit land. He is also seeking mandatory injunction for removing the road laid by the defendants illegally. Thus the amendment sought is the subsequent development of the case and change of circumstances during pendency of the suit. The said amendment will not change the nature of the suit and will not cause any hardship to the defendants since the defendants can very well show that they have laid the road through the suit land. Moreover the defendants have not filed any objections to the amendment. Therefore with the above observation, the court is of the opinion that the plaintiff has made out grounds to allow the application. Hence I answer point No.1 in the affirmative.

Point No.2. For foregoing discussion, I proceed to pass the following:

O R D E R

The application filed by plaintiff U/Order 6 Rule 17 of CPC is hereby allowed and plaintiff is permitted to amend the plaint as per proposed amendment.

For carrying out amendment and furnishing amended plaint.

Call on 11-6-2015.

Prl. Civil Judge.
Aland.

Accused No. 1 and 2 are present.

On perusal of records of the case. It appeared that the substance of accusation recorded needs to be altered. Hence the same is altered and re-framed against the accused No. 1 and 2 for the offence punishable U/Sec. 127-A of Representation of People Act and Sec. 188 of IPC. The same is read over and explained to the accused No. 1 and 2 in the language known to them. They pleaded not guilty and claimed to have defence. Plea is recorded.

APP and S.S.C. Advocate submitted that they do not want to recall or examine any witness on the altered accusation.

Hence, arguments are heard.

For Judgement call later.

Prl. Civil Judge & JMFC,
Aland.

O.S. No. 246/2009

On perusal of the records while framing of issues, it was noticed that, during pendency of the suit it was reported on 22-6-2011 that defendant No. 6 is dead and his LRs are already on record but no steps were taken by the plaintiff to amend the cause title of the plaint by deleting the name of the defendant No. 6.

Further on the same day, three applications were filed for bringing LRs. of defendant No.3 on records under Order 22 Rule 4 of CPC, for setting aside order of abatement passed against defendant No.3 under order 22 Rule 9 of CPC and for condonation of delay U/Sec. 5 of Limitation Act. But the said applications are still pending. Therefore I proceed to pass the following :

O R D E R

Issue notice on applications filed under Order 22 Rule 4 and Order 22 Rule 9 of CPC and Sec. 5 of Limitation Act to LRs. of Defendant No.3 if P.F. paid.

For carryout amendment with respect to defendant No. 6

Call on

Prl. Civil Judge,
Aland.

Sri. B.S.N. Advocate filed memo producing Greenobles and Chintaka News papers.

Perused. Citation is duly published in Chintaka News papers. However in the publication in Greenobles news paper, the name of the court is wrongly mentioned.

No one appeared in response to publication in Chintaka News paper.

Re-issue paper publication in Greenobles news paper if fresh citation is furnished.

Call on 28-04-2015.

Prl. Civil Judge,
Aland.

Case taken on today's board on the advancement application filed by Sri. M.V.E. Advocate.

Plaintiff is present. M.V.E. Advocate is also present.

M.V.E. advocate submits that, the parties to the suit had arrived at a settlement between them and accordingly compromise petition was filed before the court and on the basis of the same, the suit is decreed in terms of compromise. However there is no order passed by the court with respect to refund of court fee in favour of the plaintiff. Hence he prayed to pass necessary order for refund of court fee in view settlement.

Perused the records.

The present is decreed in terms of compromise petition filed by the parties and

the parties have claimed refund of court fee in the compromise petition but no order is passed in this respect. In view of the settlement arrived at between the parties, the plaintiff is entitled for refund of court fee paid by him. Hence I proceed to pass the following:

O R D E R

Office is directed to refund the court fee as admissible under Rules by issuing Account Payee cheque in favour of the plaintiff on proper identification by the counsel for the plaintiff.

Prl. Civil Judge,
Aland.

Case Called out.

PW-1 is present. He is further examined in chief and Ex.P. 1 to Ex.P.4 are marked.

Plaintiffs filed I.A.No. III under Order 16 Rule 1 and 2 of CPC, for permission to file list witnesses for their examination. List of three witnesses filed.

Perused the application and affidavit. Satisfied with the reasons. The defendants are placed exparte. Hence I.A. No. 3 is allowed.

Plaintiff No. 3 is present. He is examined as PW-2.

Witness by name Gundappa S/o Hanmanth Natikar is present and is examined as PW-3.

Plaintiffs submit that they have not further evidence. Hence, plaintiff evidence is closed.

Heard Arguments.

For Judgement call on 4-3-2015.

Prl. Civil Judge,
Aland.

Summons to Accused No. 2 to 5 returned duly served. NBW to accused No. 1 & 6 un-executed.

Accused No. 1 to 7 are present.

Sri. B.S.N Advocate filed power for accused No. 1 to 7 and bail application U/Sec. 436 CRPC for their release on bail for the offence punishable U/Sec. 143, 147, 323, 341, 504 & 506 R/w 149 of IPC.

Perused the records. The offences alleged against the Accused persons are bailable offences. Hence, I proceed to pass the following :

O R D E R

The Bail Application filed by the Accused No. 1 to 7 U/Sec.436 of Cr.P.C. is hereby allowed.

Accused No.1 to 7 are enlarged on bail on their executing personal bond of Rs.25,000/-, with one Surety for the like-sum.

Surety by name Suryakanth S/o Kallyanrao Honnure, Age Major, Occ: Agril. R/o Aland, is present and filed his affidavit and declaration U/Sec. 441[A] of CRPC and produced his Photograph, Ration Card & RTC Extract of his land bearing Sy.No. 483/1/Aa, measuring 04-acres 29-guntas situated at Aland Village. On enquiry, he submitted that he is ready to stand as Surety to the Accused No. 1 to 7.

Perused the records. Satisfied and accepted.

Office is directed to take bonds.

Accused No. 1 & 6 filed application U/Sec. 70(2) of CRPC for recall of NBW.

Perused and heard. Application is allowed and NBW issued against accused No.1 & 6 is cancelled on penalty of Rs.100/- each.

Copy of final report is supplied to the accused as per Sec. 207 of CRPC.

Call on 02-05-2015.

PRL. CIVIL JUDGE & JMFC,
ALAND.

O.S.No. 211/2014

Case called out

Sri. S.S.T. Advocate filed I.A. No. II U/Order rule 17 of CPC seeking amendment in suit schedule. The application accompanied by affidavit and memo of proposed amendment.

Sri. B.G.B. Advocate submitted no objection to allow I.A. No.II.

Perused the application, memo of amendment and records of the case.

The proposed amendment is formal in nature and in consonance with the document produced before the court.

Hence in view of the submission and endorsement made, I.A. No. II is allowed and the plaintiff is permitted to amend the plaint schedule.

For carrying out amendment and furnishing amended plaint call later.

Prl. Civil Judge,
Aland.

E.P. No. 13/2014

ORDER ON I.A. No. I FILED U/SEC. 151 OF CPC

This application is filed by the Decree Holder U/Sec. 151 of CPC seeking direction to the Divisional Control, NEKRTC, Gulbarga Division to deduct a sum of Rs. 2,000/- p.m. instead of Rs. 1,380/- from the salary of the Judgment Debtor.

The application is accompanied by affidavit duly sworn to by the Decree Holder No.1 wherein she has contended that in the compromise petition, it is agreed by the J.D. to pay sum of Rs. 2000/- p.m. and accordingly he paid the same for five months but thereafter and now the Salary Drawing Officer of the J.D. is deducting only a sum of Rs. 1,380/- from the salary of J.D. and remitting the same in this case. Hence she filed the present application.

Perused the records and heard the counsel.

The records disclose that the present execution petition is filed on the basis of Compromise Decree passed in O.S.No. 30/2007. The certified copy of the Compromise Decree is placed on record. The said decree discloses that the suit between the parties ended in compromise and as per the compromise, the present J.D. has agreed to pay a sum of Rs.2,000/- p.m. to the D.Hs. However on the direction of the Court the Divisional Controller, NEKRTC, Gulbarga Division

who is the salary Drawing Officer of the J.D, is deducting only a sum of Rs. 1,380/- instead of Rs. 2,000/- p.m. as per the decree.

Therefore, it appears necessary to issue directions to the employer of the J.D. to deduct a sum of Rs. 2,000/- p.m. from the salary of J.D. and remit the same in this case. Hence, I proceed to pass the following:

O R D E R

I.A. No. I filed by the Decree Holder U/Sec. 151 of CPC is hereby allowed.

The Divisional Controller, NEKRTC, Gulbarga Division is hereby directed to deduct a sum of Rs. 2,000/- p.m. from the salary of the Judgment Debtor and remit the same to the court in this case.

Office is directed to issue necessary direction to the Divisional Controller, NEKRTC, Gulbarga Division to comply the above order.

Call on 6-3-2015.

Prl. Civil Judge,
Aland.

On perusal of the records of the case, it appears that present suit has been clubbed with O.S.No. 64/2005 pending on the file of this court i.e. the Prl. Civil Judge, Aland as per order dated 29-11-2006 passed on I.A. No.II dated 29-11-2006 filed by the defendant. O.S. No. 64/2005 has been made as the main suit and the present suit is made as clubbed suit.

However because of clubbing of the present suit with the above said suit, the order sheet in this case though written till 19-3-2014, thereafter through oversight the order sheet is not continued. But common evidence has been recorded of the parties in both the suits.

The records further disclose that, the defendant had not filed his written statement in this case and therefore an opportunity was given to him to file the same as per order dated 7-3-2014 passed in O.S.No. 64/2005 and accordingly the defendant has filed his written

statement in this case on 12-3-2014.

Hence, issue are framed in this case.

Call for additional evidence of the parties if any.

Prl. Civil Judge,
Aland.

ORDER ON APPLICATION U/SEC. 152

R/W 153 AND 151 OF CPC

This application is filed by the plaintiffs U/Sec. 152 R/w Sec. 153 and 151 of CPC for amendment of Judgment passed by this Court on 16-3-2011.

The application of the plaintiffs is accompanied by the affidavit duly sworn to by the plaintiff No.2. In the affidavit, it is contended that the present suit was decreed as per Judgment and Decree dated 16-3-2011 thereby declaring that the plaintiffs are the owners of the suit property bearing Sy. No.17 measuring 10 acres situated at village Allapur, Tq. Aland. Aggrieved by the Judgment and Decree, the defendants had preferred R.A. No.14/2011 before the Hon'ble Civil Judge [Sr. Dn.] Aland and that in the said appeal, the matter was compromised on 30-08-2013 and compromise decree was drawn.

It is further contended that thereafter the plaintiffs had moved application before the Nad Tahasildar, Madan Hipparga for mutation by submitting the copy of the Judgment and Decree and Compromise Decree. But the Revenue Officer rejected the application on ground that in the body of the Judgment passed in this case, the property is mentioned to be situated at Mogha Village. The plaintiffs further contended that the said mistake is occurred since the same was appearing in the pleading of the parties. Hence, the plaintiffs submitted that the said mistake is due to oversight and typing mistake and therefore the plaintiffs prayed to amend the said mistake in the body of the Judgment.

Heard the counsel for the plaintiffs and perused the records.

The following points arise for consideration.

1. Whether the plaintiffs have made out grounds for allowing the application?
2. What order?

The findings on the above points are as under

Point No.1 : In the Affirmative .

Point No. 2 : As per final order for the following

R E A S O N S

Point No.1: The plaintiffs have produced the certified copies of Judgment and Decree passed in this case and the order of the Nad Tahasildar, Madan Hiparga for the perusal of the court.

On perusal of the same and the records of the case, it appears that the present suit was filed by the plaintiffs for declaration of ownership and correction of revenue records in respect of property bearing Sy. No.17 situated at Allapur Village, Tq. Aland and accordingly after hearing, the Judgment and Decree have been passed in respect of the said property. However in the second para of the Judgment, the property is mentioned to be situated in Mogha Village. Further on perusal of the pleadings of the parties, it appears that the same is occurred in the plaint para No. 2, but in the remaining pleadings the property is shown to be situated in Allapur Village. Thus the said mistake appears to be through oversight and genuine.

Sec. 152 of CPC empowers the court to amend the clerical or arithmetical mistakes in the Judgment, Decree, etc. either on its own motion or on the application of the parties. Thus the above mistake

being clerical mistake is clearly within the power of the court to be corrected.

The learned counsel for the plaintiffs has relied on a ruling in the case of Shankergoud Vs. Garangouda and others reported in I.L.R. 1976 Karnataka 1112 wherein it is held by the Hon'ble High Court of Karnataka that the court can U/Sec. 152 of CPC amend a clerical error in a decree although such error might have occurred on account of its being copied from the plaint and that it was not necessary to amend the plaint itself.

Therefore for the above reasons and in view of the principle laid down by the Hon'ble High Court of Karnataka, the court is of the considered opinion that the present application deserves to be allowed. Hence I answer the point No.1 in the affirmative.

Point No.2. – For foregoing discussion, I proceed to pass the following.

O R D E R

The application filed by the plaintiffs U/Sec. 152 R/w Sec. 153 and 151 of CPC is allowed.

Consequently the necessary amendment is carried out by deleting the name of the village Mogha and by inserting

the name of village Allapur in para No.2 of the Judgment.

No order as to cost.

Prl. Civil Judge,
Aland.

Case called out.

Sri. I.R.P. advocate for petitioner filed memo stating that

entire claim amount has been satisfied and is paid to the petitioner and therefore the petition may be closed.

Perused the records and heard the counsel.

The office endorsement reveals that the claimed amount of Rs. 27,000/- has been paid to the petitioner in full.

Hence in view of the memo filed and the office endorsement made, the present petition is dismissed as fully satisfied.

Prl. Civil Judge & JMFC,
Aland.

Sri. A.W.A. and K.A.A. advocates are present.

K.A.A. Advocate for defendant No.4. submitted that the applications filed under Order 22 Rule 3 and Order 22 Rule 9 of CPC and Sec. 5 of Limitation Act may be allowed on heavy cost. He also endorsed the same on the applications.

The defendants No. 1 to 3 have not filed any objections to the applications.

Hence in view of the submission and endorsed made by K.A.A. advocate, the applications Order 22 Rule 3 and Order 22 Rule 9 of CPC and Sec. 5 of Limitation Act are allowed on cost of Rs. 500/- to be paid to the defendant No.4.

The delay caused in filing application is condoned, the order of abatement passed against defendant No.5 is set aside and the plaintiff is permitted to bring

The P.S.I. Aland Police Station has submitted charge sheet against the accused No. 1 to 5 for the offence punishable U/Sec. 498[A], 323 and 504 of IPC.

Perused the charge sheet. Since there are sufficient materials to proceed against the accused persons, cognizance is taken against the accused No. 1 to 5 for the offence punishable U/Sec. 498[A], 323 and 504 of IPC.

Accused No. 1 to 5 are present. Their counsel Sri. M.V.E. advocate is also present. The accused persons are already on bail.

Copy of charge sheet is supplied to the accused persons as required U/Sec. 207 of CRPC.

For H.B.C. Call on 13-4-2015.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

FLW issued against respondent returned un-executed.

The petitioner and son of the respondent are present. Sri.BAD and SSC Advocates are also present.

Sri.SSC Advocate paid a sum of Rs.4,500/- to the petitioner and the same is received by the petitioner.

The petitioner and her counsel submitted that the entire claim amount is satisfied and the petition may be closed.

BAD Advocate filed memo praying that the present petition may be closed as fully satisfied. The memo is attested by the petitioner.

Hence in view of the memo filed and submission made, the present petition is dismissed as fully satisfied.

Prl. Civil Judge,
Aland.

Notice to respondents served.

Respondent called out absent.

Advocate for petitioner produced Two paper citation in Illiya Jana and Greenobles nobody had contested the matters.

Call for Petitioner Evidence

Call on 28-1-2015.

I/C. Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the requisition filed by PSI S.H.O. of Aland P.S. praying to issue Body Warrant against the accused.

A.P.P. filed an application U/Sec. 300 [5] of CRPC praying the court to re-open the case against the accused.

In the application it is contended that the present case has been registered against the accused for the

offences punishable U/Sec. 78[iii] of K.P.Act and after issuing summons and NBWs for several times, since the presence of the accused was not secured for long time, the proceeding was stopped U/Sec. 258 of CRPC. And now it has come to the notice of the police that the accused is in J.C. in C.C.No. 457/2012 [Nimbarga PS Cr.No. 30/2011] under U.T.P. No. 2612. Therefore he prayed to allow the application and to re-open the case against the accused for trial.

Perused the records and heard APP on the application.

It appears that in this case, repeated summons and arrest warrants were issued against the accused but the police was not able to secure the presence of the accused and therefore the court had stopped the proceedings against the accused by exercising the power U/Sec. 258 of CRPC. Now the present application is filed by the APP U/Sec. 300 [5] which provides for trial of the accused with the consent of the court against which accused the proceedings were stopped U/Sec. 258 of CRPC.

It is to be noted here that the proceedings were stopped by the court on earlier occasion only on the ground that the presence of the accused could

not be secured inspite of issuance of process. Now as the requisition is filed stating that the accused is in J.C. in another crime, it is just and necessary to re-open the case against the accused.

Therefore for the above reasons, I proceed to pass the following:

O R D E R

Application filed by the APP U/Sec. 300 [5] of CRPC is allowed.

The case is re-opened and the prosecution is permitted to proceed against the accused in accordance with law.

Issue Body Warrant against the accused who is in J.C. in C.C.No. 457/2012 [Nimbarga P.S. Cr.No. 30/2011] under U.T.P. No. 2612.

Call on 15-6-2015.

Prl. Civil Judge & JMFC,
Aland.

Accused is produced under arrest warrant.

Sri. M.V.E. Advocate filed bail application U/Sec. 436 CRPC for release of accused for the offence punishable U/Sec. 304 [A] of IPC and 187 of IMV Act.

Perused the records. The offences alleged against the Accused are bailable offences. Hence, I proceed to pass the following :

O R D E R

The Bail Application filed by the Accused, U/Sec.436 of Cr.P.C. is hereby allowed.

Accused is enlarged on bail by executing personal bond of Rs.30,000/-, with one Surety for the like-sum.

Surety by name Revanasiddappa S/o Shamarao Shrigane, age 50Yrs. Occ: Agril. R/o Madiyal Tq. Aland is present and filed his affidavit, and declaration U/Sec. 441[A] of CRPC and produced RTC Extract of his land bearing Sy.No. 175/4, measuring 01-acres 18-guntas situated at Madiyal, and along with his Photo and the copy of Election Card.

On enquiry, he submitted that he is ready to stand as Surety to the Accused.

Perused the records. Satisfied and accepted.

Office is directed to take bonds.

Call on 9-2-2015.

PRL. CIVIL JUDGE & JMFC,
ALAND.

Respondent is produced in the open court on this the 8th day of January 2015 under arrest warrant by H.C. 46 of Aland P.S. On

enquiry respondent submitted that he was arrested today at 6.00 A.M. in Ballorgi Village Tq. Afzalapur.

The respondent submits that he is ready to pay the arrears of maintenance amount to the petitioner as claimed in the petition.

The petitioner and her counsel are present and submit that there is arrears of maintenance amounting to Rs. 6,500/-

The respondent paid a sum of Rs. 6,500/- to the petitioner in cash and the petitioner acknowledged the receipt of the same which is identified by the counsel for the petitioner.

The petitioner submits that the claim amount has been paid in full and therefore the petition may be closed. The counsel for the petitioner filed a memo stating that the entire amount is received and the petition may be closed.

Hence in view of the submission and endorsement made and memo filed, the present petition is dismissed as fully complied.

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the advancement application filed by Sri. B.S.N. Advocate.

The respondent is present and submits that he is ready to pay the arrears of maintenance amount to the petitioner as claimed in the petition.

The petitioner and her counsel are present and submit that there is arrears of maintenance amounting to Rs. 9,500/-

The respondent paid a sum of Rs. 9,500/- to the petitioner in cash and the petitioner acknowledged the receipt of the same which is identified by the counsel for the petitioner.

The petitioner submits that the claim amount has been paid in full and therefore the petition may be closed. The counsel for the petitioner filed a memo stating that the entire amount is received and the petition may be closed.

Hence in view of the submission and endorsement made and memo filed, the present petition is dismissed as fully complied.

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the advancement application filed by Sri. A.C.T. Advocate.

The plaintiff and defendant are present and submit that the matter is settled out of court between them. Hence in view of the same, the plaintiff does not want to press the present suit.

Sri. A.C.T. Advocate filed memo stating that the present suit is not pressed as the matter is settled out of court and therefore the present suit may be dismissed. The memo is duly signed by the plaintiff.

Perused the memo and records of the case and enquired with the parties. The present suit is filed by the father against his son for the relief of partition and separate possession and it appears that they have compromised the matter between themselves.

Hence in view of the memo filed and submission made, the present suit is dismissed as not pressed.

Prl. Civil Judge,
Aland.

O R D E R

The counsel for the petitioners have filed a memo stating that the present case has been disposed of on 17-2-2014 and accordingly he has paid stamp duty of Rs. 18,300/- for preparing Succession Certificate. He has contended that the respondent have preferred M.F.A.No. 20052/2014 before the Hon'ble High Court of Karnataka, Gulbarga Bench against the order passed in this case. However there is no stay granted by the Hon'ble High Court and the appeal is posted for compliance of office objections. Therefore he prayed to issue Succession Certificate in favour of the petitioners.

Heard counsel for the petitioners on the memo and perused the records.

Thereafter the office was directed to verify through internet has to the status of the above said M.F.A. and submit. In the meantime the counsel furnished the status report the M.F.A. No. 200523/2014 alongwith a memo. On perusal of the status report it appears that the said M.F.A. is pending for admission and it was last adjourned for complying with the office objections. Further the office also verified and submitted that it has not received any copy of stay order from the Hon'ble High Court of Karnataka, Gulbarga Bench in the above said M.F.A.

Therefore considering the facts and circumstances of the case I proceed to pass the following order.

O R D E R

Office is directed to issue Succession Certificate in favour of the petitioner has per order dated 17-2-2014 if necessary Non-Judicial Stamp has been furnished.

Prl. Civil Judge & JMFC,

Aland.

Case taken on today's board on the advancement application filed by Smt. U.K. I. Advocate.

Smt. U.K.I. Advocate filed power for respondent by name Babu S/o

on application U/Sec. 446 of CRPC on behalf of the surety to the accused by name Kashimsab S/o Bawasab R/o Gola [B] Tq. Aland.

The application is filed by counsel for the accused stating that the accused has not appeared before the court and therefore NBW was issued against him and notice was issued to his surety and that the

said surety is expired and LR's of the are very poor persons and therefore leniency be shown to them.

Hence, considering the facts and circumstances of the case and submission made by the counsel for the accused, I proceed to pass the following order.

O R D E R

The application filed U/Sec. 446 of CRPC on behalf of the surety to the accused is allowed.

The LR's of the surety by name Kashimsab S/o Bawasab R/o Gola [B] Tq. Aland are directed to deposit a sum of Rs. 2500/- in lieu of the Bond amount executed by him.

Office is directed to collect a sum of Rs. 2500/- from the LR's of above surety.

The Bail bond of the surety stands cancelled on deposit of the above amount.

Re-issue NBW against accused call on 10-02-2015.

Prl. Civil Judge & JMFC,
Aland.

.P.No. 3/2013

P.W. 1 present.

duly sworn on 16-10-2014.

Chief Examination by Sri. ACT, Advocate for Decree Holder.

Decree Holder is present. He filed his affidavit in lieu of chief examination and he submits that the contents of the same are true and correct and the same is signed by me after understanding the same.

I have produced the certificate copy of the Judgement and Decree dated 16-11-2012 passed in O.S.No. 104/2011 and the same is marked as Ex.P.1 and 2 respectively. I pray that my petition may kindly be allowed as prayed for by me.

Cross Examination :

The Judgement debtor has remained absent.

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IN THE COURT OF THE CIVIL JUDGE JR. DN. COURT ALAND

P & S.C.No. /2012

Chandu Vs. All concerned

21-11-2012

Petitioner filed petition U/Sec. 372 IS Act through Sri. B.A. Deshapande, Advocate for petitioner praying that to issue Succession Certificate.

The petitioner is wife of deceased Annarao S/o Siddappa Vibute Patil R/o Aland has expired on 9-5-2012 at Aland. The deceased Annarao Patil during his life period deposited money at post office Aland vide S.B. Account No. 8291994 Rs. 1,02,591/-

The petitioner No.1 Wife deceased Annarao filed petition and prayed issue Succession Certificate to the petitioners entitle them to claim the entire deposited of Rs. 102591/- alongwith upto date interest will be accrue

in the S.B. Account No. 8291994 at post office Aland deceased Annarao S/o Siddappa Vibhute Patil.

For order,

Register the P & SC Case and
put-up for orders

Prl. Civil Judge,
Aland.

IN THE COURT OF THE CIVIL JUDGE JR. DN. COURT ALAND

P & S.C.No. /2012

Gangabai & others Vs. All concerned

21-11-2012

Petitioner filed petition U/Sc. 372 of I.S. Act through Sri. S.A.Patil Advocate the petitioner praying that to issue succession Certificate infavour of petitioner empowering him to receive the Award Amount of Rs. 30778/- order passed by Hon'ble III Addl. Civil Judge [Sr.Dn.] Division Gulbarga in LAC No. 1140/1997 disposed on 27-8-2002 the late Lalu S/o Siddu R/o Rajawal Tq. Aland Dist. Gulbarga.

The petitioner filed petitioners Son of the late Lalu S/o Siddu R/o Rajawal Village Tq. Aland during his life he has filed LAC Case No.1140/1997 before III Addl. Civil Judge [Sr.Dn.] Gulbarga the same was disposed on 27-5-2002 and the late Lalu has expired on 16-8-2003. The petitioner is claiming the amount of Rs. 30778/- no other petitioners except Son.

The petition is filed follows

1. Petitioner U/Sec. 372 IS Act alongwith affidavit.

2. Death Certificate
3. No. 1140/1997 Award Copy
4. Relationship letter issued by V.A. Rajowal Tq. Aland
5. Vakalatanama

21-11-2012.

Register the P & SC Case
and put-up orders.

Prl. Civil Judge,
Aland.

IN THE COURT OF THE CIVIL JUDGE JR. DN. COURT ALAND

Civil Misc. No. /2013

Hanmanth Vs. Ramachandra

26-03-2013

Petitioner is filed petition U/o 9 Rule 9 CPC alongwith affidavit praying that the suit is dismissed on 16-1-2013 be restored to its original stage.

Petitioner filed petition U/Sec. 5 of Limitation Act delay for 36 days for filing the restoration petition Condon the delay for filing 36 days.

The Un-register Civil Misc. Case and issue notice & I.A. Notice to respondents call on.

Prl. Civil Judge, Aland

For order

21.11.2012

Register the Civil Misc. Case and put-up for orders, call on

Prl. Civil Judge, Aland.

Petitioner absent. No representation for same by 30-5-2014.

Prl. Civil Judge,
Aland.

In view of the decision laid down by the Hon'ble High Court of Karnataka reported in 2013 [4] KCCR 3493 petitioner shall have to compile the fulfillment's of the decision.

For compliance by 29-3-2014.

Prl. Civil Judge,
Aland.

Case called out. Notice to respondent duly served . The present filed by the petitioner for seeking death certificate his Father.

In view of the decision laid down by the Hon'ble High Court of Karnataka reported in 2013 [4] KCCR 3493 petitioner shall have to compile the fulfillment's of the decision.

For compliance by 18-3-2014.

O.S.No. 69/2013

Case called out at 3-00 P.M.

Plaintiff and her counsel are absent. No representation on behalf of the plaintiff.

Perused order sheet and found that sufficient opportunity has been given to the plaintiff but the plaintiff has not turned-up and taken steps against the defendant. Nearly ten adjournments have been given for taken steps but no steps have

been taken. Hence it shows that the plaintiff has no interest to proceed with the case. Hence the suit is dismissed as steps not taken.

Prl. Civil Judge & JMFC,
Aland.

Complainant present.
Sri. B.A.D. Advocate present.

Prays time. Time Granted
for same by 06-05-2014.

Prl. Civil Judge,
Aland.

Complainant absent.
E/A filed, allowed
For Sworn Statement
by 19-7-2014.

Prl. Civil Judge,
Aland.

This case comes under _____Jurisdiction. In view of Notification 5/2014 of Hon'ble CJM, Gulbarga. This case is transferred to Addl. Civil Judge & JMFC, Aland.

Prl. Civil Judge & JMFC,
Aland.

Crl.Misc. 258/2014

Case called out.

Petitioner is absent.

Sri. S.S.C. Advoate prays time for evidence.

Perused order sheet. Sufficient time is given to the petitioner for leading evidence but is petitioner has not turned-

up to lead evidence. It appears that the petitioner has no interest to proceed with the case.

Hence the prayer of counsel is rejected and the petition is dismissed on prosecution.

Prl. Civil Judge & JMFC,
Aland.

Petitioner absent. Sri. S.S.C. Advocate filed memo stating that petition may be dismissed as not pressed. Hence in view of memo petition is dismissed accordingly.

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the advancement application filed by Sri. MVE Advocate.

Sri. M.V.E. Advocate filed on memo stating that the matter is settled amicably out of the court between the parties and therefore the petitioner does not want to press the present petition.

Heard and perused the memo.

The memo is duly signed by the petitioner and the same is identified by his counsel. Hence in view of memo filed and submission made, the present petition is dismissed as not pressed.

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the advancement application filed by Sri. NK Advocate.

Sri. N.K. Advocate filed on memo stating that the matter is settled amicably out of the court between the parties and therefore in view of the settlement, the plaintiffs do not want to press the present suit.

Heard and perused the memo.

The memo is duly signed by the plaintiff No.1 and the same is identified by his counsel. Hence in view of the memo filed and submission made, the present suit is dismissed as not pressed.

Prl. Civil Judge & JMFC,
Aland.

O.S.No. 266/2013

Case called out. Sri. PNS advocate filed power for defendant No. 1 and 2 alongwith I.A.No.2 U/O 9 rule 7 R/w Sec. 151 of CPC praying the court to set aside the order of exparte passed against Defendant 1 and 2, on

23-1-2014 and to permit to participate in the proceedings. The application is accompanied by an affidavit on defendant No. 2.

Counsel for plaintiff Sri. R.J.P. submit that I.A.No. II may be allowed on cost. Perused the application and affidavit. In view of the reasons stated therein and submission made by the counsel for plaintiff, I.A.No.II is allowed on payment of cost of Rs. 200/-. The order of exparte passed against defendant No. 1 and 2 is set aside and they are permit to appear in the case.

Defendant No. 1 and 2 filed W.S. in to sets.

Sri. P.N.S. Advocate filed I.A.No. III U/o 1 rule 10 R/w Sec. 151 of CPC on behalf of one Smt. Basamma W/o Digambar Salagar of Nimbarga requesting the court to add her as defendant No.4. in the suit. vakalath of Basamma is filed The application is accompanied by the affidavit of Basamma.

Counsel for the plaintiff submitted that I.A. No.III may be allowed on cost. Perused the application and affidavit. In view of the reasons stated therein and submission made by the counsel for plaintiff, I.A.No.III is allowed on payment of cost

of Rs. 200/-. The said Basamma W/o Dignmbar Salagar is added as defendant No.4. in the suit.

Sri. R.J.P. advocate filed process form and paid P.F. and postal charges for issue of summons to defendant No.3. Hence issues suit summons defendant No.3 by R.P.A.D.

For carrying out amendment and return of suit summons call on 18-09-2014.

Prl. Civil Judge,
Aland.

T.I. Extension:

Case called out.

Sri. B.A.D. Advocate filed I.A. No.03 U/Sec. 151 of CPC seeking extension of T.I. The application is accompanied by memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. T.I. is extended till next date of hearing.

Sri. S.S.C. filed power for Defendant No. 1 and 2 and application No.4 U/order 9 rule 7 of CPC praying to Set-aside the order of the exparte passed against Defendant No. 1 and 2.

Sri. B.A.D. Advocate submitted by I.A. No. 4 may be allowed on cost.

Hence in view of the submission made, I.A. No. 4 is allowed on cost of Rs. 250/-.

Order of the exparte passed against Defendant No. 1 and 2 is set-aside and they are permitted to contest the suit on merits.

Vakalath is taken on records.

For cost, W.S. and Objection by Defendant No. 1 and 2 call on 26-11-2015.

Prl. Civil Judge,
Aland.

Case called out.

Sri. B.A.D. Advocate is present and submit that the respondent in this case has been expired and therefore the present may be dismissed.

He also submitted that he has already filed memo in this respect on 18-8-2014.

perused the records and found that memo is filed stating that the respondent is expired on 21-7-2014. The same is duly signed by the petitioner.

Hence in view of the memo filed and submission may be, since the present petition is filed for claiming maintenance against respondent and he has expired, the petitioner does not survive, hence the same is dismissed.

Prl. Civil Judge,
Aland.

Case called out.

Sri. S.S.C. Advocate filed I.A. No.VII U/Sec. 151 of CPC seeking extension of Status quo order passed by the court. The application is accompanied by the memo of facts.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed. Status Quo order is extended till next date of hearing.

Sri. P.N.S. Advocate filed I.A.No. VIII U/Sec. 151 of CPC seeking time to file W.S. of the defendant. The application is accompanied by the memo of facts.

Perused and Heard. Satisfied with the reasons stated therein. Hence allowed. Time granted.

Counsel for plaintiff and defendant filed a joint memo to refer the Lok Adalath for settlement.

Hence parties are directed to appear before the Lok Adalath on 10-10-2014.

For report from Lok Adalath call on 10-10-2014.

Prl. Civil Judge,
Aland.

FIR No. 390/2011

Case called out. The complainant is present. and submits that he has not objections to B report submitted by the police.

Perused the final report carefully and no reasons are found to reject the B report submitted by the Police. Even the complainant has not filed any objections to the report. Therefore the B report submitted by the police is accepted and the case is closed.

Prl. Civil Judge & JMFC,
Aland.

FIR No. 102/2013

Case called again at 3-45 P.M. The complainant is absent. On perusal of the order sheet, it appears that notice was duly served on the complainant but the complainant remained absent on the last date of

hearing inspite of service of notice. However the case was adjourned for objections to C report.

Today the case is again called out but the complainant is absent and failed to oppose the C report submitted by the police by filling objections.

Perused the final report carefully and no reasons are found to reject the C report submitted by the Police. Even the complainant not filed any objections to the report. Therefore at present the C report submitted by the police is accepted and the case is closed.

Prl. Civil Judge & JMFC,
Aland.

The learned A.G.P. filed I.A.No. 5 U/Sec. 151 of CPC seeking permission to file W.S. of defendant No. 1 to 3 alongwith memo of facts with the W.S. of defendant No.3. Counsel for the plaintiff Sri. S.A.P. submitted that I.A. may be allowed. Perused and heard. In view of the reasons stated in the memo of facts and the submission of counsel for the plaintiff, the I.A. No. 5 is allowed. W.S. of defendant No.1 is taken on record

The learned A.G.P. also filed a memo on behalf of Defendant No.1 and 2 stating that Defendant No.1 and 2 adopt the W.S. filed by the defendant No.3.

No W.S. filed by the Defendant No.5. Hence the W.S. of Defendant No.5 is taken as not filed.

For hearing on I.A.No.2. call on 26-9-2014.

Prl. Civil Judge,
Aland.

Sri. S.S.C. advocate filed I.A.No. 8 U/Sec. 151 of CPC seeking permission to file W.S. of defendant alongwith memo of facts with the W.S. and counter claim of the defendant in two sets. Counsel for the plaintiff Sri. I.R.P. for BAD submitted that I.A. may be allowed on cost. Perused and heard. In view of the reasons stated in the application and the submission of counsel for the plaintiff, the I.A. No. 8 is allowed on payment of cost of Rs. 200/-. W.S. and counter claim of the defendant is taken on record.

Sri. M.V.E. advocate filed a memo stating that the W.S. and counter claim of the defendant may be treated as objections to I.A. filed U/order 39 rule 1 and 2 CPC by the plaintiff.

For hearing on I.A.No.1. call on 22-9-2014.

Prl. Civil Judge & JMFC,
Aland.

Sri. PNS advocate filed I.A.No. 3 U/Sec. 151 of CPC seeking extension of T.I. order, alongwith memo of facts. Perused. Satisfied with reasons stated therein. Hence same is allowed. T.I.

order is extended till the next date of hearing.

Sri. S.S.C. Advocate filed I.A. No.4 U/Sec. 151 of CPC seeking permission to file W.S. of defendant alongwith memo of facts. Perused and heard. Satisfied with reasons. Hence I.A.No. 4 is allowed. Time granted.

Re-issue suit summons to Defendant No. 5 and 6 by RPAD if charges paid.

Call on 3-11-2014

Prl. Civil Judge & JMFC,
Aland.

Sri. BAD Advocate filed I.A. No.2 U/Sec. 151 of CPC seeking permission to file W.S. of defendant alongwith memo of facts. Perused and heard.

Satisfied with reasons. Hence I.A.No. 2 is allowed. Time granted.

For W.S. Call on 15-11-2014.

Prl. Civil Judge & JMFC,
Aland.

Later on Sri. H.S.B. Advocate filed bail application U/Sec. 437 of CRPC requesting the court to enlarge the accused No. 15 on interim bail and requested the court to grant some time to approach the higher court. He also produced a ruling of the Hon'ble High Court of Rajastan reported in 1999 Cri.LJ. 1741.

The learned A.P.P. objected the bail application orally stating that there is no provision to grant interim bail U/Sec. 437 of CRPC and that the ruling relied upon by the accused is not binding to this court.

Heard the counsel for the accused and APP and perused the records.

The bail application filed by the Accused No.15 earlier has been rejected on merits. And thereafter the present application is filed seeking interim bail. On going through the relevant prevision of CRPC it appears that Sec. 437 of CRPC does not empower the court to the grant interim bail as in the case of anticipatory bail. Further when the bail application is already rejected on merits, the question of granting interim bail does not arise.

The ruling relied upon by the counsel for the accused is of Rajasthan High Court and the same is not binding to this court. Moreover, as per the said ruling, it is the court granting anticipatory bail which is required to grant time to the accused to approach higher court in case his regular bail application is rejected by the Magistrate and the magistrate is not empowered to grant any such time.

Therefore the application filed by the accused U/Sec. 437 of CRPC seeking interim bail is hereby rejected.

The accused No. 15 is taken in to custody and remanded to J.C.

Call on 15-09-2014.

Prl. Civil Judge & JMFC,
Aland.

Petitioner is present. He filed his affidavit in lieu of examination in chief. He is examined as P.W.1. and Ex.P. 1 to 3 are marked.

The petitioner closed his side of evidence.

The counsel for respondent No. 2 to 4 submit that they have no evidence.

Heard, arguments.

For orders call on

Prl. Civil Judge & JMFC,
Aland.

Minor Guardian of the Petitioner is present. He filed a memo producing original Birth Certificate issued by Kasturaba Hospital Aland and filed his affidavit in lieu of examination in chief. He is examined as P.W.1. and Ex.P. 1 to 4 are marked.

The petitioner closed his side of evidence.

Heard, arguments.

For orders call on 18-10-2014

Prl. Civil Judge & JMFC,
Aland.

Petitioner is present. He filed a memo producing his original T.C.. The petitioner filed his affidavit in lieu of examination in chief. He is examined as P.W.1. and Ex.P. 1 to 3 are marked.

The petitioner closed his side of evidence.

Heard, arguments.

For orders call on

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the advancement application filed by the counsel for the petitioner. Petitioner is present. He filed a memo producing his original S.S.L.C. Marks card. The petitioner filed his affidavit in lieu of examination in chief. He is examined as P.W.1. and Ex.P. 1 to 3 are marked.

The petitioner closed his side of evidence.

Heard, arguments.

For orders call on

Prl. Civil Judge & JMFC,
Aland.

Minor guardian of the Petitioner is present. He filed his affidavit in lieu of examination in chief. He is examined as P.W.1. and Ex.P. 1 to 3 are marked.

The petitioner closed his side of evidence.

Heard, arguments.

For orders call on

Prl. Civil Judge & JMFC,
Aland.

Petitioner is present and filed a memo producing his original S.S.L.C. Marks card. He filed his affidavit in lieu of examination in chief. He is examined as P.W.1. and Ex.P. 1 to 6 are marked.

The petitioner closed his side of evidence.

Heard, arguments.
For orders call on

Prl. Civil Judge & JMFC,
Aland.

The counsel for respondent 2 to 7 submits that they have no evidence to lead.

Sri. B.A.D. Advocate filed I.A.No. 10 U/Sec. 151 of CPC seeking extension of T.I. Order passed by the court. Perused the application and heard. Satisfied with the reasons stated therein. Hence I.A. No.10 is allowed and the T.I. order is extended till next date.

Issue T.I. order and emergency notice on I.A. No. I to Defendant and issue suit summons and notice on I.A.No. 10 to the defendant.

Call on 25-09-2014.

Prl. Civil Judge,
Aland.

Case called out.

Sri. MVE. Advocate for Defendant No.1 and AGP for Defendant No. 2 to 6 filed I.A. No.III and IV respectively seeking extension of time for filing W.S. of Defendants. The application is accompanied by memo of facts.

Sri. D.S.N. Advocate for plaintiff objected for adjournment on ground that plaintiff requires some urgent relief since defendant No. 1 is going to retire soon.

Heard Sri. D.S.N, MVE and AGP and perused records.

Considering submissions made, I.A.No. 4 and 5 are allowed. Time granted.

For W.S. and objections to I.A.No. I last chance by Defendants.

Call on 20-10-2014.

Prl. Civil Judge,
Aland.

Summons to D.1 and D.3. returned duly served, summons to D.4. returned unserved and summons to D.2 not returned.

Defendant 1,3 and 4 are present and pray time for engaging counsel. Granted.

Sri. M.S.H. Advocate filed I.A.No. 3 U/Sec. 151 of CPC seeking extension of T.I. Order passed by the court. Perused the application and heard. Satisfied with the reasons stated therein. Hence I.A. No.3 is allowed and the T.I. order is extended till next date of hearing

Re-issue suit summons, T.I. order and emergent notice on I.A.No.I to defendant No.2.

For engaging counsel by defendant No.1,3 and 4 and for return of suit summons of defendant No.2 .

Call on 16-10-2014.

Prl. Civil Judge,
Aland.

O.S.No. 207/2014.

Sri. B.A.D. Advocate filed I.A.No. III U/Sec. 151 of CPC seeking extension of time to file W.S. of defendant No. 1 and 2. The application is accompanied by the affidavit. Perused the same and heard. Satisfied with the reasons stated therein. Hence

I.A. No.III is allowed and time granted.

Sri. P.V.A. filed I.A.No. IV seeking extension of T.I. The application is accompanied by memo of facts. Perused the same and heard. Satisfied with the reasons stated therein. Hence I.A. No.IV is allowed and T.I. order is extended till next date of hearing.

For W.S. of Defendant No. 1 and 2.

Call on 02-02-2015.

Prl. Civil Judge,
Aland.

Case taken on today's board on the application filed by Sri. BGB Advocate.

Sri. BGB advocate filed I.A.No. 1 U/Sec. 151 of CPC seeking permission to file W.S. of defendant. The application is accompanied by affidavit of the defendant. Perused the same and heard. Satisfied with the reasons stated therein. Hence I.A. No. I is allowed on cost of Rs. 200/-

For compliance U/Sec. 89 and order 10 of CPC.

Call on 12-12-2014.

Prl. Civil Judge,
Aland.

Case called out.

Sri. B.I.S. advocate filed I.A.No. 25 U/Sec. 151 of CPC

seeking extension of T.I. granted by the court. The application is accompanied by the affidavit of the plaintiff.

Perused and heard. Satisfied with the reasons stated therein. Hence allowed T.I. is extended till next date of hearing.

Call on for hearing

Prl. Civil Judge,
Aland.

Case called out.

Accused No. 2 is present.

Accused No.4 is absent. E.P. filed for A.4. perused and heard. Satisfied with the reasons. Hence allowed.

Accused No.3 is produced from J.C. He submits that he is furnishing surety.

surety by name Sumitrabai W/o Babu Shkhetri @ Katabur, 40Yrs. Occ: Household R/o Bhusnoor Tq. Aland is present and filed her affidavit and declaration and produced her Photograph and Election card and property register extract inspite of G.P.C.No. 3-14 of Bhusnoor Gram Panchayat and She submit that she is the mother of the accused No.3 and is ready to stand as surety to him.

Perused the records and enquired with the surety.

Having satisfied, the surety is expected.

Accused No.3 is remanded back to J.C. till next date of hearing.

Issue intimation to J.C. to release Accused No.3 on execution of bond if he is not required in any other case.

Call on 2712-2014.

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the application filed by learned A.P.P.

A.P.P. filed an application U/Sec. 300 [5] of CRPC praying the court to re-open the case against the accused.

In the application it is contended that the present case has been registered against the accused for the offences punishable U/Sec. 279, 338 of IPC and 187 IMV Act and after issuing summons and NBW for several times, the proceeding was stopped U/Sec. 258 of CRPC. And that now the Aland Police have apprehended the accused Therefore he prayed to allow the

application and to re-open the case against the accused for trial. Requisition of the Aland Police is filed.

Perused the records and heard APP on the application.

It appears that in this case, repeated summons and arrest warrants were issued against the accused but the police was not able to secure the presence of the accused and therefore the court had stopped the proceedings against the accused by exercising the power U/Sec. 258 of CRPC. Now the present application is filed by the APP U/Sec. 300 [5] which provides for trial of the accused with the consent of the court against which accused the proceeding were stopped U/Sec. 258 of CRPC.

It is to be noted here that the proceedings were stopped by the court on earlier occasion only on the ground that the presence of the accused could not be secured inspite of issuance of process. Now as the requisition is filed stating that the accused is apprehended by the Aland Police, it is just and necessary to re-open the case against the accused.

Therefore for the above reasons, I proceed to pass the following order:

O R D E R

Application filed by the APP U/Sec. 300 [5] is allowed.

The case is re-opened and the prosecution is permitted to proceed against the accused in accordance with law.

The accused is present before the court and he submits that he intends to plead guilty for the offence U/S. 279, 338 IPC and 187 IMV Act. Substance of accusation is recorded against the accused for the offence punishable U/Sec. 279, 338 of IPC and 187 IMV Act, read over in the language known to him, and explained, for which he pleaded guilty. His pleading guilty appears to be voluntary one, Hence, I proceed to pass the following:

O R D E R

Acting U/s 252 Cr.P.C, the accused is convicted for the offence punishable U/s. 279, 338 IPC and 187 IMV Act.

He is sentenced to pay a fine of Rs. _____ , for the offence punishable U/s. 279 of I.P.C. and in default he shall undergo S.I. for _____ month/days.

Further the accused is sentenced to pay a fine of Rs. _____, for the offence punishable U/s. 338 of act. in default he shall undergo S.I. for _____ months/ days.

Further the accused is sentenced to pay a fine of Rs. _____, for the offence punishable U/s. 187 IMV Act in default he shall undergo S.I. for _____ months/ days.

Thus total fine of Rs. _____ The sentences run concurrently.

Prl. J.M.F.C. Aland.

Case taken on today's board on the application filed by learned A.P.P.

A.P.P. filed an application U/Sec. 300 [5] of CRPC praying the court to re-open the case against the accused.

In the application it is contended that the present case has been registered against the accused for the offences punishable U/Sec. 279 and 338 of IPC and 187 IMV Act and after issuing summons and NBW for several times, the proceeding was stopped U/Sec. 258 of CRPC. And that now the Aland Police have found that the accused has expired. Therefore he prayed to allow the application and to re-opening the case against the accused for closing permanently. Requisition of the Aland Police is filed.

Perused the records and heard APP on the application.

It appears that in this case, repeated summons and arrest warrants were issued against the accused but the police was not able to secure the presence of the accused and therefore the court had stopped the proceedings against the accused by exercising the power U/Sec. 258 of CRPC. Now the present application is filed by the APP U/Sec. 300 [5] which provided for trial of the accused with the consent of the court against which accused the proceeding were stopped U/Sec. 258 of CRPC.

It is to be noted here that the proceedings were stopped by the court on earlier occasion only on the ground that the presence of the accused could not be secured inspite of issuance of process. Now as the requisition is filed stating that the accused is dead it is just and necessary to re-open the case against the accused for closing same permanently.

Therefore for the above reasons, I proceed to pass the following order:

O R D E R

Application filed by the APP U/Sec. 300 [5] is allowed.

The case is re-opened and the prosecution is permitted to proceed against the accused in accordance with law.

Aland Police produced the death certificate of accused by name Neelappa S/o sidramappa kalashetti R/o Khajuri. Perused the same. Satisfied that the accused is expired on 25-4-2014. Hence accepted.

Case against accused is abated and the file is closed.

Prl. Civil Judge
Aland.

Case taken on today's board. On the application filed by Sri. A.C.T, Advocate.

Sri. A.C.T. advocate filed power for Accused No.2 by name Siddu @ Sidramappa S/o Yashwant Ratagal R/o Aland and an application seeking permission of the court for the accused No.2 to appear before the court.

Perused the application and allowed.

Accused No.2 is permitted to before the court. The accused No.2 by name Siddu @ Sidramappa S/o Yashwant Ratagal appear before the court by filling surrender memo.

Sri. A.C.T. advocate filed bail application U/Sec. 437 of CRPC seeking release of accused on bail for the punishable U/Sec. 32, 34 and 49 of K.E. Act and application U/Sec. 70 [2] of CRPC for recall of NBW issued against him.

A.P.P. prays time for filling objections to the bail application.

The accused No.2 is taken into custody and remanded to J.C. till 31-12-2014.

For Objections call on 19-12-2014.

Prl. Civil Judge.
Aland.

Case called out.

P.S.I by name K. Shekhareddy of Toopran Police station, Dist. Medak, A.P. is present before the court and submitted and requisition of C.P.I., Toopran Circle, Dist. Medak requesting the court to handover the vehicle i.e., Eicher bearing No. AP-09/V-0434 [with duplicate No. KA-32/M-6412.

In the requisition it is stated that the above said vehicle is required by the Toopran Police in its Cr.No. 120/2012 for purpose of investigation. It is also contended that in this respect a letter has already been addressed to this court by the J.M.F.C. Court, Gajwel, Dist. Medak.

Perused the records and heard learned A.P.P. and enquired with the P.S.I.

The records disclosed that the vehicle bearing No. i.e., Eicher bearing No. AP-09/V-0434 [with duplicate No. KA-25/M-6412] has been seized by the Narona Police during the

investigation and same is reported to this court under P.F. No. 94/2013 dated 4-11-2013.

During arguments it is submitted by the A.P.P. that the investigation in the present case is completed and the vehicle may be handedover to the Toopran Police subject to the conditions that they should re-deposit the same after completion of their investigation. The P.S.I. Toopran Police submitted before the court that instead of handing over the vehicle to them, it is sufficient if a letter is address to the J.M.F.C. Gajwel, Dist. Medak, A.P. intimating that the above said vehicle is seized by the Narona Police in this case under above P.F.Number and it is lying in the Narona Police station.

Considering the submission made, the office is directed to address a letter to J.M.F.C. Court Gajwel, Dist. Medak, A.P. through P.S.I. Toopran Police Station intimating that the above said vehicle is seized by the Narona Police under P.F. Number and is lying in the Narona Police station.

Prl. Civil Judge,
Aland.

Issue paper publication in Greenobles and Illiya Jana news papers if citation furnished calling upon public at large to file objections, if any and issue notice to Respondent No. 1 to 3.

Call on 12-1-2015.

Prl. Civil Judge,
Aland.

Issue paper publication in Greenobles and Chithan news papers if citation furnished calling upon public at large to file objections, if any and issue notice to Respondent No. 1 to 5.

Call on 13-1-2015.

Case called out.

Sri. MVE for PNS prays time for objections to memo filed by the plaintiff. Counsel for the plaintiff objects for adjournment.

Perused the records.

The Plaintiff has filed this suit for the relief of permanent Injunction against the defendant. On 28-6-2014, the counsel for the plaintiff has filed a memo stating that the

plaintiff does not want to press the present suit and it may be dismissed as not pressed.

Counsel for the defendant had prayed time for filling objections to the memo. But inspite of grant of sufficient opportunity, the defendant has failed to file objections and remained absent.

The present suit being filed for the relief of permanent injunction, there is no impediment for the court to accept the memo filed by the plaintiff.

Hence the memo filed by the plaintiff is accepted and the present suit is dismissed as not pressed.

Prl. Civil Judge,

Aland.

Case taken on today's board on the application filed Sri. S.D.B. Advocate.

The Decree Holder and Judgment Debtor are present. The Counsel for the Decree Holder is also present. The parties submitted that, the matter is settled between them as the J.D. has executed re-conveyance deed in favour of the Decree Holder before Sub-Registrar, Aland. The parties filed a memo reporting the same and prayed to close the present petition as fully satisfied.

Perused the memo and enquired with the parties. The memo is duly signed by the Decree Holder. Satisfied with the same and hence accepted.

The Judgement Debtor filed a memo stating that, he has executed re-conveyance deed in favour of the Decree Holder as per the order of the court passed in preliminary decree by receiving an amount of Rs. 50,000/- from the Decree Holder and therefore the mortgage amount of Rs. 50,000/- deposited in this court

by the Decree Holder may be released in favour of the Decree Holder.

To show that the Decree Holder has deposited amount in the court, Receipt No. 0162403 dated 17-6-2010 is produced which reveals that Rs. 50,000/- is received at Sl.No. RO.No.0123348 in D register.

Hence in view of the above, I proceed to pass the following order.

O R D E R

The present execution petition is dismissed as fully satisfied.

The office is directed to verify and submit as to any amount is deposited by the Decree Holder in this court as stated above.

Prl. Civil Judge & JMFC,
Aland.

C.C. No. 158/2011

Case called out.

Accused No. 1 and 2 are present.

Accused No.1 filed application U/Sec. 70[2] of CRPC for recall of NBW issued against him. Perused and heard. Satisfied with the same. Hence the application is allowed. NBW issued against accused No. 1 is cancelled on penalty of Rs. 100/-

Accused No. 3 is produced under Body Warrant.

The P.S.I. of Aland Police Station has submitted requisition stating that the accused No.4 by name Jafar S/o Ibrahim Bagwana in this case against whom N.B.W. is issued, is in J.C. in C.C.No.157/2011 [Aland PS Cr.No. 21/2011] on the file of this court and therefore he prayed to issue Body Warrant against the said accused. The NBW issued to him is returned alongwith the requisition.

Perused the requisition and records.

It appears that the present accused No.4 is in J.C. in C.C.No.157/2011 in Sub-Jail, Aland under U.T.P. No. 2534.

Hence satisfied with the submission. The NBW issued against accused No.4 is cancelled. Office is directed to issue Body Warrant against Accused No.4 who is in J.C. under U.T.P.No. 2534 of Sub-Jail Aland.

Body Warrant of accused 3 is extended till next date.

Call on 20-01-2015.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Accused No. 1 and 2 are present.

Accused No.1 filed application U/Sec. 70[2] of CRPC for recall of NBW issued against him. Perused and heard. Satisfied with the same. Hence the application is allowed. NBW issued against accused No. 1 is cancelled on penalty of Rs. 100/-

Accused No. 3 is produced from J.C.

The P.S.I. of Aland Police Station has submitted requisition stating that the accused No.4 by name Jafar S/o Ibrahim Bagwana in this case against whom N.B.W. is issued, is in J.C. in C.C.No.157/2011 [Aland PS Cr.No. 21/2011] on the file of this court and therefore he prayed to issue Body Warrant against the said accused. The NBW issued to him is returned alongwith the requisition.

Perused the requisition and records.

It appears that the present accused No.4 is in J.C. in C.C.No.157/2011 in Sub-Jail, Aland under U.T.P. No. 2534.

Hence satisfied with the submission. The NBW issued against accused No.4 is cancelled. Office is directed to issue Body Warrant against Accused No.4 who is in J.C. under U.T.P.No. 2534 of Sub-Jail Aland.

J.C. of accused No. 3 is extended till next date.

Call on 20-01-2015.

Prl. Civil Judge & JMFC,
Aland.

C.C. No. 161/2011

Case called out.

Accused No. 1 and 2 are present.

Accused No.1 filed application U/Sec. 70[2] of CRPC for recall of NBW issued against him. Perused and heard. Satisfied with the same. Hence the application is allowed. NBW issued against accused No. 1 is cancelled on penalty of Rs. 100/-

Accused No. 3 is produced under Body Warrant.

The P.S.I. of Aland Police Station has submitted requisition stating that the accused No.4 by name Jafar S/o Ibrahim Bagwana in this case against whom N.B.W. is issued, is in J.C. in C.C.No.157/2011 [Aland PS Cr.No. 21/2011] on the file of this court and therefore he prayed to issue Body Warrant against the said accused. The NBW issued to him is returned alongwith the requisition.

Perused the requisition and records.

It appears that the present accused No.4 is in J.C. in C.C.No.157/2011 in Sub-Jail, Aland under U.T.P. No. 2534.

Hence satisfied with the submission. The NBW issued against accused No.4 is cancelled. Office is directed to issue Body Warrant against Accused No.4 who is in J.C. under U.T.P.No. 2534 of Sub-Jail Aland.

Body Warrant of accused 3 is extended till next date.

Call on 20-01-2015.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Accused No. 1 and 2 are present.

Accused No.1 filed application U/Sec. 70[2] of CRPC for recall of NBW issued against him. Perused and heard. Satisfied with the same. Hence the application is allowed. NBW issued against accused No. 1 is cancelled on penalty of Rs. 100/-

Accused No. 3 is produced under Body Warrant.

Accused No. 4 is called out. Absent. Issue NBW against accused No.4 returnable by 20-1-2015.

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the requisition submitted by H.C. 46 of Aland Police Station.

Accused No. 4 by name Jafar S/o Ibrahim Bagawan R/o Aland is produced in the open court on this the 5th day of January 2015 under arrest warrant through H.C.No. 46 of Aland P.S. The NBW issued is returned.

On enquiry the accused submitted that he was arrest on 5-1-2015 at 7.00 A.M. at his house in Aland and that the police have not ill-treated with him in any manner.

No bail application is filed by the accused No.4 for his release. Hence the accused No.4. is remanded to J.C. till next date of hearing.

Call on 6-1-2015

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Sri. S.A.P. Advocate is present he submits that he has no objections to I.A.No.III. He endorsed the same on the application. Hence in

view of the submission and endorsement may, I.A.No. III filed under Order 1 Rule 10[2] of CPC is allowed. Smt. Rashida Begam W/o Mahmood Miyan Murumkar R/o Aland is permitted to be impleaded has defendant No. 6 in the suit.

Sri. B.T.S. Advocate filed I.A. No. IV U/Sec. 151 of CPC seeking permission to file W.S. of defendant No. 2 to 4 alongwith W.S. of Defendant No. 2 to 4 with counter claim. Sri. S.A.P. Advocate stated no objections to allow the I.A. No. IV. In view of the submission and endorsement made, I.A. No. IV is allowed. W.S. of defendant No. 2 to 4 is taken on record.

Sri. S.A.P. Advocate filed I.A. No.5 under Order 7 Rule 14[3] of CPC seeking permission to produce documents as per list. List with 3 documents is filed. Sri. A.W.A. and B.T.S. Advocates stated no objections to allow the I.A. No. V. In view of the submission and endorsement made, I.A. No. V is allowed. The plaintiff is permitted to produce documents.

Sri. S.A.P. Advocate filed I.A. No. 6 under Order 6 Rule 17 of CPC seeking amendment of plaint. Sri. A.W.A. and B.T.S. Advocates stated no objections to allow the I.A. No. VI. In view of the submission and endorsement made, I.A. No.

VI is allowed. The plaintiff is permitted to amend the plaint as prayed for.

Sri. S.A.P. Advocate filed I.A. No. 7 under Order 1 Rule 10[2] of CPC for impleading Smt. Rashida Begam W/o Mahmood Miyan Murumkar R/o Aland and Chief Officer, T.M.C. Aland as defendant No. 6 and 7 in the suit. Sri. A.W.A. and B.T.S. Advocates stated no objections to allow the I.A. No. 7.

On perusal of the records, it is found that Smt. Rashida Begam W/o Mahmood Miyan Murumkar has already been impleaded as defendant No. 6 in the suit. Hence I.A. No. 7 is allowed in part and Chief Officer T.M.C. Aland is permitted to be impleaded as defendant No.7 in the suit.

For carrying out amendment, furnishing amended plaint and for rejoinder to counter claim of defendant No. 2 to 4 call on 28-1-2015.

Prl. Civil Judge & JMFC,
Aland.

Case taken on today's board on the application filed by Sri. A.C.T. advocate.

Sri. A.C.T. advocate filed power for accused No.4. by name Jeelani S/o Davalasab Jamadar R/o Pattan and application for permission for the accused to surrender the before the court.

Perused the application and satisfied.

The application is allowed and the accused is permitted to surrender before the court.

On perusal of the records, it appears that the present accused with other accused persons have committed offences punishable

U/Sec. 302 and 341 R/w 34 of IPC and since the date of offences, the present accused has been absconding.

No bail application is filed and no surety is furnished for the accused now.

Considering the facts of the case, the accused No.4 by name Jeelani S/o Davalasab Jamadar is taken in to custody and remanded to J.C. till next date of hearing.

Call on 13-2-2015.

Prl. Civil Judge & JMFC,
Aland.

Case called out.

Heard, Smt. U.K.I. Advocate on application U/Sec. 446 of CRPC on behalf of the surety to the accused by name Kashimsab S/o Bawasab R/o Gola [B] Tq. Aland.

The application is filed by counsel for the accused stating that the accused has not appeared before the court and therefore NBW was issued against him and notice was issued to his surety and that the said surety is expired and LR's of the are very poor persons and therefore leniency be shown to them.

Hence, considering the facts and circumstances of the case and submission made by the counsel for the accused, I proceed to pass the following order.

O R D E R

The application filed U/Sec. 446 of CRPC on behalf of the surety to the accused is allowed.

The LR's of the surety by name Kashimsab S/o Bawasab R/o Gola [B] Tq. Aland are directed to deposit a sum of Rs. 2500/- in lieu of the Bond amount executed by him.

Office is directed to collect a sum of Rs. 2500/- from the LR's of above surety.

The Bail bond of the surety stands cancelled on deposit of the above amount.

Re-issue NBW against accused call on 10-02-2015.

Prl. Civil Judge & JMFC,
Aland.

Notice to Respondent served.
Respondents called out absent.
For petitioner evidence
Call on 6-7-2015.

I/C. Prl. Civil Judge & JMFC,
Aland.

Issue Notice to Respondent
returnable by 25-07-2015.

I/C. Prl. Civil Judge & JMFC,

Aland.

Case called out.

Smt. J.N.H. Advocate filed application U/order 9 rule 7 of CPC praying to set-aside the order of expert passed against Defendant No.2 alongwith Vakalath. K.P.T. Advocate for P.N.S. submitted that application may be allowed.

Hence in view of the reasons assigned in the application submission made, the exparte order passed against defendant No.2 is set-aside and she is

permitted to contest the suit on merits. Vakalath of defendant No.2 is taken on records.

Defendant No. 2 filed her Written Statement in two sets.

Sri. R.J.P. Advocate prays time to file W.S. of defendant No.1 on the ground that no plaint copy his supplied. Sri. K.P.T. Advocate is directed to supply copy of plaint to Defendant No.1.

For W.S. of Defendant No.1 call on 7-11-2015.

Prl. Civil Judge,
Aland.

Case called out.
Petitioner is absent.
Respondent is present.
Sri. I.R.P. and D.S.N.

Advocates are present and submit

that the matter is settled between the parties out of court and customary divorce has been taken place between the petitioner and respondent. In view of the same, the petitioner does not want to proceed with the case and it may be dismissed as not pressed. Memo is filed duly signed by the petitioner. Perused the same and heard.

In view of the submission made and memo filed, the present petition is dismissed as not pressed.

Prl. Civil Judge,
Aland.

Accused is produced in open court under arrest through H.C. 434 of Aland Police Station. Warrant is returned to the court.

On enquiry accused submitted that he was arrested today at 9.00 AM in Khajuri village and he did not complain any ill-treatment by the police.

Sri. S.S.C. Advocate filed bail application for the accused U/Sec. 437 of CRPC. APP prays time for objections.

The accused is remanded to J.C. call on 9-10-2015.

Prl. Civil Judge and JMFC,
Aland.

Sri. I.R.P Advocate is present. No amended W/S is filed.

Plaintiff is present. Sri. B.A.D Advocate filed I.A. under Order 7 Rule 14 (3) CPC seeking permission to produce documents. List with 1 document is filed.

Sri. I.R.P Adv. stated no objection to allow the IA.

Hence, IA is allowed and the plaintiff is permitted to produce

document subject to admissibility in evidence.

Plaintiff filed her affidavit in lieu of examination in chief. She is examined as PW 1 and Ex.P1 to 21 are marked. Plaintiff closed her side of evidence.

I.R.P Adv. submits that defendant no 2 has no evidence.

For Arguments call on 26-10-2015.

Prl. Civil Judge,
Aland.

Case called out.

Sri. B.G.B Adv. filed IA No. II under Order 6 Rule 17 CPC seeking amendment of plaint. IA is accompanied by affidavit.

Perused the proposed amendment, reasons given in the affidavit and heard the counsel.

Satisfied with the reasons. The amendment sought is minor and formal in nature and hence, the application is allowed.

Plaintiff is permitted to amend the plaint as sought for by him.

For carrying out amendment and for furnishing amended plaint.

Call on. 26-10-2015.

Prl. Civil Judge,
Aland.

Perused the order sheet. The offences punishable U/sec.341, 355, 506(1) of IPC. The said offences are triable by this court and summons-case. The Investigation officer has filed the charge sheet against accused and this court has taken the cognizance on 24-07-1999. After service of summons the accused present before the court but later absent on several hearing dates. Further on 13-06-2000 this court has issued NBW against the accused. After issuing the same, the accused not present before the court. Thereby I am of the view that prosecution has utterly failed to trace out the accused. Further in view of Law lay down and reported in *ILR-1994-Karnataka-page-No-3308,* the above case proceedings has been stopped, as per the section-258, of Cr.P.C. Further the prosecution is at liberty to move an application after trace out the accused. Accordingly above C.C. disposed off.

Civil Judge & JMFC,
Aland.

C.C.No. 245/2015

Case called out.

Accused No. 1 to 7 are present and submit that they are ready to furnish surety for committal.

Perused records. Accused No. 8 has been absent since the date of registering the case and he is shown to be absconding in the charge sheet from the date of offence. The present case is triable by Court of Sessions. Inspite of issuance of NBW to Accused No.8 for number of times, his presence is not secured by the prosecution and it

appears that to secure his presence, it may take some more time. But if the case is proceeded as it is, it will cause inconvenience to other accused persons. Hence it is just and necessary to spilt-up case against accused No.8.

Hence case against accused No.8 is spilt-up. Office is directed to register split-up case against accused No. 8 and put-up.

Case taken on today's board on the application filed by learned A.P.P.

A.P.P. filed an application U/Sec. 300 [5] of CRPC praying the court to re-open the case against the accused.

In the application it is contended that the present case has been registered against the accused for the offences punishable U/Sec. 279 of IPC and after issuing summons and NBW for several times, the proceeding was stopped U/Sec. 258 of CRPC. And that now the Aland Police have apprehended the accused Therefore he prayed to allow the application and to re-open the case against the accused for trial. Requisition of the Aland Police is filed.

Perused the records and heard APP on the application.

It appears that in this case, repeated summons and arrest warrants were issued against the accused but the police was not able to secure the presence of the accused and therefore the court had stopped the proceedings against the accused by exercising the power U/Sec. 258 of CRPC. Now the present application is filed by the APP U/Sec. 300 [5] which provides for trial of the accused with the consent of the court against which accused the proceeding were stopped U/Sec. 258 of CRPC.

It is to be noted here that the proceedings were stopped by the court

on earlier occasion only on the ground that the presence of the accused could not be secured inspite of issuance of process. Now as the requisition is filed stating that the accused is apprehended by the Aland Police, it is just and necessary to re-open the case against the accused.

Therefore for the above reasons, I proceed to pass the following order:

O R D E R

Application filed by the APP U/Sec. 300 [5] is allowed.

The case is re-opened and the prosecution is permitted to proceed against the accused in accordance with law.

The accused is present before the court and he submits that he intends to plead guilty for the offence U/S. 279 IPC. Substance of accusation is recorded against the accused for the offence punishable U/Sec. 279, read over in the language known to him, and explained, for which he pleaded guilty. His pleading guilty appears to be voluntary one, Hence, I proceed to pass the following:

O R D E R

Acting U/s 252 Cr.P.C, the accused is convicted for the offence punishable U/s. 279 of IPC.

He is sentenced to pay a fine of Rs. _____ , for the offence punishable U/s. 279 of I.P.C. and in default he shall undergo S.I. for _____ month/days.

The total fine of Rs. _____ The sentences run concurrently.

Prl. J.M.F.C. Aland.

Plaintiff called out, absent. His counsel is also absent. No representation.

Perused order sheet. Sufficient time is given for evidence but Plaintiff has not turned up to give evidence.

It appears that plaintiff has no interest in the suit.

Hence the suit is dismissed for non prosecution.

PRL.CIVIL JUDGE & JMFC,

ALAND

Crl.Misc. No.106/2016

CAUSE TITLE

ORDER ON I.A.U/O 21 RULE 54 OF CODE OF CIVIL PROCEDURE.

1. The petitioner filed this application praying this Court to order for sale of the property of the respondent to recover the maintenance.

2. The petitioner has contended that this Court in Crl.Misc.No.331/2015 which is filed under U/Sec 125 CrPC has granted Rs:2500/- maintenance for petitioner. But the respondent has not paid the maintenance regularly. Hence, she construed to file this petition to recover the arrears of maintenance. She further contends in her application that the respondent till now has to pay a maintenance of Rs:23,500/-, but he has not paid any maintenance amount as of now. Hence she has taken every steps to recover the maintenance, but the maintenance could not be recovered, hence she has filed this application for sale of the property standing in the name of the respondent to recover the maintenance.

3. The respondent has not filed any objections to the application. Even though he has appeared before the court in response to the notice through his advocate.

4. I have heard both the counsel. Perused the records, application.

After the perusal the following points arose for my determination.

1. Whether the petitioner made out grounds to allow the application U/o 21 Rule 54 of Code of Civil Procedure?
2. What order?

5. **POINT NO.1:** The petitioner has filed Crl.Misc. No.331/2015 U/Sec.125 CrPC which was partly allowed by this court by directing the respondent to pay a sum of Rs:2500/- for petitioner. The respondent failed

to pay maintenance to the petitioner. Hence, she has filed the instant petition to recover the maintenance.

6. I have gone through the order sheet of the petition the respondent is very irregular in paying the maintenance. Hence fine levy warrant has issued against the respondent. Finally respondent paid as an amount of Rs. 10,000/- on 20-08-2016 thereafter respondent remained absent. On 14-09-2016 arrest warrant was issued against him on 09-11-2016 the respondent has paid an amount of Rs. 13,500/- as the petitioner did not accept the same was ordered to be deposited to the court later on the petitioner withdrawn the said amount. Thereafter again the petitioner remained absent and did not pay the maintenance. Hence arrest warrant was issued against him and the warrant was executed and he was produced before the court but on enquiry the respondent has submitted that he does not have money to pay maintenance hence he was sent to Judicial custody for 1 month now the respondent has been released and the petitioner has filed this application to attach the property of respondent to recover the arrears of maintenance.

7. The petitioner has filed this application U/o 21 Rule 54 of Code of Civil Procedure. But the proceeding is U/SEc 125 of CrPC. Thus, the application the provision in which the application is filed is not correct. But it is well established law that mere mentioning of wrong provision of law is not fatal to the case. The recovery proceeding is initiated U/Sec. 125(3) of CrPC .

8. Under these circumstances it is necessary to go through Sec.125(3) of Cr.P.C. to see whether this court has jurisdiction to order for sale of property to recover maintenance. I have gone through Sec.125(3) of Cr.P.C. which reads thus

> ***If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines,***

and may sentence such person, for the whole or any part of each month's allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made.

9. The plain reading of the Section makes it clear that the Magistrate can only issue fine levy warrant or arrest warrant against the respondent, if the maintenance is not paid, it does not specifically confers power on the court to attach or sell the property of the respondent to recover the maintenance amount.

9. The careful reading of this above provision would suffice a word **" For levying fines"** this word can be interpreted in such a manner that the court has a power to recover the maintenance in such a manner as the fine is recovered in any other case. Thus, I am of the opinion that the maintenance can be recovered in such a manner as a fine is recovered. The word "fine" can also be given the meaning of land revenue. Hence, this court has power to recover the maintenance as by taking steps in a way how the land revenue is recovered. Thus, this court has jurisdiction to attach the property of the respondent in order to recover the maintenance.

10. The petitioner has produced ROR of land Sy. No. 672/2/A, 672/2/B and 672/2/1A of Salgar village Akkalkot Taluka. It is contended by the petitioner that the property stated above is in the name of the father and mother f the respondent and he has got 1/3rd share in the property. Hence the property can be attached. Even though the property is standing in the name of father and mother of the respondent and the petitioner has not produced any documents to show that the respondent has right over those property as the respondent has not filed any objections this court has to be belief the version of the petitioner. Thus I am of the opinion that the property above mentioned can be attached.

11. It is also to be noted that the respondent having engaged an advocate. He is said to be capable of maintaining the petitioner, but he is purposefully avoiding it.

12. It is the duty of the court not only to grant the relief, but also execute it. If mere the relief is granted and it is not executed there is no meaning for the granting of the relief. It is also the opinion of the court that the court has to deliver the justice not only the judgment. To deliver justice the court has to take steps without any hesitation. Hence I am of the opinion that the application filed by the petitioner has to be allowed in order to deliver the justice. Accordingly Point No.1 is answered in the Affirmative.

13. Point No.2: Since the Point No.1 is answered in the affirmative, I proceed to pass the following:

O R D E R

I.A U/o 21 Rule 54 Code of Civil Procedure is hereby allowed.

The property bearing Sy.No. 672/2A of Salgar village Akkalkot Taluka is ordered to be attached.

Issue Attachment Warrant of the above said property if proper steps taken.

Addl. Civil Judge and JMFC,
Aland.

C.C.No.418/2007

The case is taken on today's board on the office note.

The order sheet reveals that the court has made sufficient efforts by issuing witness summons and issuing NBW to witnesses to record evidence U/Sec. 299 of CrPC but the prosecution has failed to secure the present of witnesses. Thus the court has ordered this case is to be kept in abeyance giving liberty to I.O. to reopen the case as and when the witnesses are secured.

Issue intimation to the I.O. about the above order.

Call on 08-01-2018

ADDL.CIVIL JUDGE & JMFC,

The plaintiff has filed an application U/o 6 Rule 17 Code of Civil

Procedure seeking amendment of cause title by removing the name of second defendant and to replace the name of Smt. Rashida Begum W/o Mohd. Miyan Murumkar. In the affidavit the plaintiff has contended that by oversight and on a typographical error the name of the husband of the proposed party Smt. Rashida Begum has been entered. He has also contended that when the

defendant has filed written statement he has come to know about the clerical mistake. Hence he prayed to substitute the name of defendant No.2.

The counsel for defendant No.1 and 2 submitted no objections to allow the application.

Heard. Perused materials on record.

Upon perusal I found that the mistake crept in the cause title is just a typographical error and it is also made known by defendant No.2 in written statement. The proposed amendment will not create new cause of action nor it changes the nature of the suit. Hence I fell it necessary to allow the amendment application. Accordingly I pass the following:

O R D E R

I.A. filed by plaintiff U/o 6 Rule 17 is hereby allowed.

The plaintiff is directed to amend the cause title as per I.A.

For amended plaint

call on: 14-12-2017

ADDL.CIVIL JUDGE & JMFC,
Aland

E.P. No. 29/2007

This E.P. is filed for recovery of mense profit which has been decreed by this court in O.S.No.28/2006. JDRs duly served. They appeared before the court upon service of notice. It is noticed on perusal of the order sheet that JDRs are avoiding payment of mense profit. The petition is of the year 2007 JDRs have not paid any amount of mense profit. Hence DHr has filed an application U/o 21 Rule 58 Code of Civil Procedure seeking attachment of the property of JDr No.1. Objections to I.A. has not been filed by any JDRs. Sufficient opportunity is given to file objections and for arguments. In spite of that JDRs have failed to file objections. Hence arguments of JDRs has taken as heard and the case is posted for orders.

Heard. Perused materials on record. Upon perusal it is noticed that this execution petition is of the year 2007. JDRs have not paid any amount of mense profit as ordered by this court. They are avoiding the payment by one or the other mode. In support of his application DHr has filed RTC of Sy. No. 66/2 measuring 2 acres 16 guntas situated at Dhattargaon village Tq; Aland which is standing in the name of JDr. No.1. As I already discussed JDRs are avoiding the payment and the property sought to be attached is standing in the name of JDr No.1, I feel it necessary to attach the property in order to recover mense profit. Accordingly I pass the following:

O R D E R

Issue attachment warrant of the property of JDr. No. 1 bearing Sy. No.

66/2 measuring 2 acres 16 guntas situated at Dhattargaon village Tq; Aland Tq: Aland.

Call on: 16-12-2017

Addl. Civil Judge and JMFC,
Aland.

O.S. No. 142/2017

Case is taken of today's board on the application filed by the counsel for plaintiff.

Counsel for plaintiff files two more applications U/Sec. 152 of Code of Civil Procedure to amend the decree and one more application U/Sec. 153 of Code of Civil Procedure for amend the plaint.

In the affidavit the plaintiff contends that by a typographical error the name of the defendant is wrongly typed as Sidramappa S/o Madivalappa Sarsambi instead of Siddaram S/o Madivalappa Sarsambi.

Advocate for defendant submits no objection to allow the application.

Heard. Perused materials placed on record. The defendant has filed copy of Adhar Card wherein his name is entered as Siddaram S/o Madivalappa. Wherein, in the plaint it is typed as Sidramappa S/o Madivalappa Sarsambi. Thus it is clear that by a typographical error the name of the defendant is wrongly typed. By allowing this application no prejudice

will be caused to either of the parties. Hence I feel it necessary to allow the applications. Accordingly I pass the following:

O R D E R

IAs filed by plaintiff U/Sec. 152 and U/Sec. 153 are hereby allowed.

Plaintiff is permitted to amend the name of the defendant in the plaint as per I.A.

Correct the decree accordingly.

Addl. Civil Judge and JMFC,
Aland.

CC.No.129/2014

The counsel for the accused has filed an application U/Sec. 311 of CrPC seeking recall of CW-1,5,6 and 7 for the purpose of further cross-examination. The learned APP has filed objections to the application.

The counsel for the accused has argued that CW-1,5,6 and 7 have supported the case of prosecution and CW-1 is the informant and CW-5,6 and 7 are inured and eyewitnesses. He has already cross-examined them but in the cross-examination he has left out to cross-examine him on material points.

I have carefully gone through the application. In the application the accused has not uttered a word about which subject he is going to cross-examine CW-1, 5,6 and 7. But CW-1 is the injured cum informant, CW-5,6 and 7 are the injured cum eyewitnesses. Who have supported the case of prosecution. Hence accused has to be given sufficient opportunity to disprove the case of prosecution. Under these circumstances I feel it necessary to give an opportunity to the accused to further cross-examine CW-1,5,6 and 7. Accordingly I pass the following:

O R D E R

I.A. filed by the accused U/sec 311 of CrPC is hereby allowed on cost of Rs. 100/-each.

Accused is directed to cross-examine CW-1,5,6 and 7 only on the relevant portion. The cross-examination should not be with regard to civil matters.

Issue witness summons to CW-1,5,6 and 7/PW-1, 2, 5 and 6.

Call on:

Addl. Civil Judge and JMFC,
Aland.

CC.No.511/2011

This court has issued attachment warrant against accused No. 1 and 2 police have filed a letter of panchayat Karyalaya Nimbal stating that the father of the accused No. 1 and 2 possess house bearing No. 64/2 but there are no properties standing in the name of accused No. 1 and 2.

Heard. Perused the records. Since there are no properties standing in the name of accused No. 1 and 2 further steps cannot be taken against the house of the father of accused No. 1 and 2. Therefore case is posted for evidence U/Sec. 299 of CrPC.

Issue summons to CW-1, 11 to 13 and Rajendra H.C. 520.

Call on: 28-01-2018

Addl. Civil Judge and JMFC,
Aland.

O.S. 18/2016

Case called out.

Sri. B.A.D. Advocate files I.A. under Order 5 Rule 20 of CPC seeking permission to take substituted service for service of suit summons on defendant No. 3 and 5 by way of paper publication.

Perused the order sheet. Plaintiff has taken steps through court as well as by RPAD. Summons to defendant are returned un served. Thus it is clear that defendant No. 3 and 5 are evading the service of summons. Hence I feel it necessary to allow the application. Accordingly I pass the following

ORDER

I.A. filed by plaintiff U/O 5 Rule 20 of Code of Civil Procedure is hereby allowed.

Plaintiff is permitted to take paper publication.

Issue suit summons to defendant No. 3 and 5 by way of paper publication in Punya Nagari Daily News paper if citation is furnished and PF paid.

Call on 20-01-2018.

Addl. Civil Judge, Aland.

O.S.No. 212/15

The plaintiff has filed an application U/o 6 Rule 17 Code of Civil Procedure seeking amendment in the schedule to the suit by adding one more property to the suit schedule.

The application is annexed with an affidiavit, in the affidavit the plaintiff contends that the proposed schedule property is an ancestral property, while filing the suit she has also produced a docuements regarding the proposed schedule property but by over sight it was not been included in the schedule. Hence she prayed to allow the application.

Advocate for defendants submits no objection to the application.

Heard. Perused materials on record.

It is noted that suit is one for partition and separate possession. It is well settled law that all the family properties has to be included in a suit for partition and separate possession. In the affidavit as contended by the plaintiff she ahs filed the ROR Sy. No. 160 i.e. the proposed schedule property. From this it can be presumed that by over sight this proposed schedule has not been included as suit schedule property.

The proposed amendment will not create new cause of action nor it changes the nature of the suit. Moreover it is necessary to include all the family properties in the suit. Hence I fell it necessary to allow the amendment application. Accordingly I pass the following:

O R D E R

I.A. filed by plaintiff U/o 6 Rule 17 is hereby allowed.

The plaintiff is directed to amend the plaint as per I.A.

Keeping relationship of the parties in mind no order as to cost.

For Amended Plaint.

call on: 27-11-2017

ADDL.CIVIL JUDGE & JMFC,
Aland

FIR No. 155/2017

Crime No. 55/2017

Case is taken on today's board on the requisition filed by CPI Aland.

The police have filed requisition through APP requesting this court to grant permission to take the blood sample of Smt. Jagadevi W/o Naganna Gogashetty.

The police have stated in the requisition that in above case some person has been killed and to destroy the witness they have made the body unidentifiable. During the investigation the police have suspected that Rudrashetty @ Kalu S/o Naganna Gogashetty has been killed. Since the body is unidentifiable and the father of Rudrashetty has identified the clothes which was there on the body to be the clothes of Rudrashetty @ Kalu. Thus police wants to clarify whether Rudrashetty @ Kalu S/o Naganna Gogashetty was the person who has been killed

or not. Hence they want to take the blood sample of the mother of whether Rudrashetty @ Kalu S/o Naganna Gogashetty.

Heard. Perused the requisition and other materials on record. On the compliant as well as in the requisition it is stated that the deceased was killed and his body is unidentifiable. Hence the body could not be identified properly.

Under these circumstances I fill it necessary that, to identify the body the blood sample of Smt. Jagadevi W/o Naganna Gogashetty purported to be mother of Rudrashetty @ Kalu S/o Naganna Gogashetty has to be taken for DNA test to mach the blood samples of deceased.

ORDER

The police is permitted to take the blood samples of Smt. Jagadevi W/o Naganna Gogashetty for DNA test to mach the blood samples of deceased.

The police have to bring all the required persons, materials and the doctor for collecting blood samples on 04.12.2017 at 2.00.p.m. before the court.

Issue intimation of the above order to the I.O./CPI Aland.

Call on.04-12-2017

ADDL.CIVIL JUDGE & JMFC,
ALAND.