



IN THE COURT OF ADDL. CIVIL JUDGE & JMFC., AT SIRA

O.S. NO.2/2024

Plaintiff : Mukundappa & Others

-V/s-

Defendants : Govindappa & Others

ISSUES

1. Whether the plaintiffs prove that, the suit schedule properties are ancestral properties of plaintiffs and defendants are in the peaceful possession and enjoyment over the suit schedule properties?
2. Whether the plaintiffs prove that, the registered partition deed dated: 15-12-2011 infavour of defendants in the suit schedule properties is not binding on the share of plaintiffs?
3. Whether the defendants prove that, the suit is barred by limitation?
4. Whether the plaintiffs are entitled for the relief as sought for?
5. What Order or Decree?

Date: 18-09-2024

(Narasimhamurthy A)
Addl. Civil Judge & JMFC.,
Sira.

ORDER

On 15-03-2019 the matter is advanced and the counsel for complainant filed on application with a prayer to return the amount of Rs.3,00,000/- deposited by the accused on 09-09-2014. In the said application the counsel for complainant clearly stated that in present CC No.108/2012 the accused was convicted and this court passed order against accused to under court imprisonment for one year and to pay fine of Rs.10,000/-. The accused as preferred an appeal before the Hon'ble 1st Addl.Dist.& Session Judge, Tumakuru on the file Crl.A.No.68/2014 against the judgment and order passed by this court. In Crl.A.No.68/2014 the Hon'ble 1st Addl.Dist.& Session Judge, Tumakuru confirmed the lower court order. The accused has not challenged the above said order even after laps of 70 days. Therefore counsel for complainant filed the application for return of deposited amount for Rs.3,00,000/- vide No.FD.No.A-815072 dated 01-01-2015.

After hearing the counsel for complainant and after perusing the materials placed on record this court order passed in order to release the amount of Rs.3,00,000/- deposited by the accused . At the time of passing the order I have gone through the authorized internet website on Hon'bel High court of Karnataka. But due to error in internet service, I could not find any Appeal preferred by the accused before Hon'ble High court of

Karnataka. Today again I have searched the website of Hon'ble High court of Karnataka and came to know that the accused S.G.Thippeswamy as preferred an Appeal in Crl.R.P.No.146/2019 on 31-01-2019 and Appeal is pending for ad-judication. Since the appeal is pending before the Hon'ble High court of Karnataka it is not just and proper order for release amount of Rs.30000/- in favour of complainant. Therefore, I am hear by recalling the order passed for release of amount of Rs.3,00,000/- dated 15-03-2019 and the application filed by the complainant is hereby rejected.