

**Decree
in Original Suit**

Date of Institution: 18.01.2019.

Date of Disposal : 20.09.2021.

IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE,

AT: KARWAR

O.S. No. 1/2019

Smt. Kavita D/o Pundalik Naik ,
@ W/o Babu Nailadi Rayarmane ,
Age: 46 years, Occ: Service and
Agriculturist,
R/o: Billadi Village,
Post: Bennekatti, Udupi,
Permanently R/o Madhewada,
Asnoti, Karwar.(U.K) .

. . . Plaintiff.

- Vs -

1. Shri. Prashant S/o Pundalik Naik,
Age: 36 years, Occ: Service ,
R/o: Brandavan Apart,1st Floor,
Prashanti Nilaya ,Niraj Buiding ,
Behind D.F.O Office,
M.G. Road, Karwar.

2. Smt. Savita D/o Pundalik Naik,
@ W/o Pandurang Savant
Age: 44 years, Occ: Household ,
R/o: Brandavan Apart,1st Floor,
Prashanti Nilaya ,Niraj Buiding ,
Behind D.F.O Office,
M.G. Road, Karwar.

3. Shri. Shankar Damu Naik ,
Age: 50 years, Occ: Service and
Agriculturist,
R/o: Madhewada, Asnoti, Karwar(U.K) .

- 4 . Shri. Vinod Devidas Naik ,
Age: 51 years, Occ: Govt.Servant.
R/o: Dhumashitta , Angadi Village,
Taluka Karwar(U.K) .

. . . Defendants

Suit for Partition , separate
possession,& Consequential
Reliefs .

Suit Claim: Rs.17,00,000/-

This is a suit filed by the Plaintiff Under Order VII Rule 1 R/W Sec 26 of CPC and prayed that the Hon'ble Court be pleased to pass the decree in favour of plaintiff and as against to the defendants ordering, partition by metes and bounds of suit scheduled A & B properties be ordered to give plaintiff 1/3rd share in the suit scheduled properties , the illegal alienation made in suit scheduled SI .No .3 and suit schedule property 'B' may be ordered to cancel the sale deed or alternatively pay 1/3rd share of the market value of the properties.

Further it is also prayed the Court may also be pleased to pass any other relief if the Court deems fit to be granted and ordering for partition of the suit Scheduled properties A & B .

"A" SUIT SCHEDULE PROPERTIES :-

SI No	Village	Taluka	Sy No	Hissa	Area	Asst	Type of land
1	Madhewada	Karwar	53	2	0-11-0 Out of 0-22-0	0.77	Agricultural land each 1/3rd share from 0-11-00 to plaintiff and defendant No 1&2
2	Madhewada	Karwar	65	2	0-3-12	-	1/3rd share to each plaintiff and defendants
3	Baad-I	Karwar	191	A1B	0-4-0	-	Non Agricultural land 1/3rd share to each plaintiff and defendants or alternatively 1/3rd share of market value shown in the plaint para.

"B" SUIT SCHEDULE PROPERTY

Sl No	Village	Sy No	Hissa	Property types	Remarks
1	Baad-I	191	A1B	Mangalore tiles House No 868/A Situated in Karwar Municipality area	1/3rd share each plaintiff and defendant No 1 &2.

This suit coming on this day for final disposal before Sri. N.M. Ramesha, B.Com., LL.M., Prl. Senior Civil Judge, Karwar in the presence of Sri. S.R Naik , Advocate for the Plaintiff, Sri. K.R Desai , Advocate for the Defendants No.1&2 , Sri V.B. Naik Advocate for the Defendant No.3 and Sri . Deepak A. Naik./ Sri G.V. Naik advocates for Defendant No 4 .

It is ordered and decreed that:

I.A. No. VI filed by the learned counsel for the defendants No. 1 and 2 under the provisions of Order VII Rule 11 (a) to (d) R/w .Sec. 151 of C.P.C. and Section 11(2) of Karnataka Court

Fees and Suit valuation Act ,1958 is hereby allowed.

Consequently, the plaint is hereby rejected for want of cause of action , for non valuation of suit and insufficient court fee and also barred by law of limitation.

Given under my hand and seal of this Court on 20th day of September 2021.

(N.M. Ramesha)
Prl. Senior Civil Judge,
Karwar.

MEMORANDUM OF COSTS INCURRED IN THIS SUIT

	By the Plaintiff	By the Defendants
Court fee paid on Suit	200.00	-
Process Fee	28.00	-
P.B. charges	-	-
Vakalath	-	-
Advocate Fee (F.C. not filed)	-	-
Total Rs.	228.00	-

Draft Decree prepared and
Notified on: 25.09.2021.
Decree signed on 04.10.2021.

Prepared by

Checked by

Decree Asst

Sheristedar
Admn.

Prl. Senior Civil Judge,
Karwar.

S.R.Naik.
Adv.for the plaintiffs

K.R. Desai.
Adv. for the Defendant No. 1

V.B. Naik.
Adv. for the Defendant No-3

D.A. N/ G.V.N
Advocates for Defendant -4

