

Preliminary Decree
in Original Suit

Date of Institution:13.08.2013.

Date of Disposal :23.06.2021.

**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE,
AT: KARWAR**

O.S. No. 19/2018

Shri. Kushali S/o. Vithoba Naik,
Age: 76 years,
Ex-Serviceman,
R/o.: Dewawada, Sadashivgad,
Karwar.

. . . Plaintiff

- Vs -

1. Shri. Anandu S/o Pandurang Naik ,
Major,
R/o.: Dewawada, Sadashivgad,
Karwar.
2. Sri. Suresh Pandurang Naik,
Major,
R/o.: A-204, Om Shiv Ganesh,
C.H.S. Mhatre Compound,
Dombivili East -421201.
3. Sri. Narayan Pandurang Naik,
302, Benzer Galaxy,
Plot No.19, Sector -10,
Kamethe, Navi Mumbai -410206.

. . . Defendants

Suit for Partition

This is a suit filed by the Plaintiff Under Order VII Rules 1 and 2
r/w Section 26 of CPC and prayed that this Hon'ble Court may be

pleased to pass a decree in favour of the plaintiff and as against the defendant, as under:

- A. Declaring that the plaintiff is the lawful owner in constructive Possession of suit land bearing Sy. No. 151/6 area 0-6-8 Chittakula Village along with trees and old dilapidated farm house new bearing G.P.A No. 940 of Chittakula Gram Panchayat situated therein by acquiring right title and interest under registered sale deed dt:05-07-2011 registered in the office of Sub Registrar, Karwar.

And

Consequently directing the defendants to handover the suit schedule Sl.No. 1 property to the custody of plaintiff, by vacating from the house number 940 Gram Panchayat Chittakula and failing which the defendants may be ordered to evicted through the process of Court by issuing delivery warrant of possession through bailiff or process server or official of Court to meet the ends of justice.

And

- B. Passing a preliminary decree for partition allotting Sy.No. 586/2 area 0-21-0 of Chittakula to the share of plaintiff by sending the decree u/s.54 of C.P.C. to Tahsildar, Karwar to effect actual sub division and partition of Sy.No. 586/1 and 586/2 allotted to the share of plaintiff to the extent of 0-21-0 out 0-31-0, on the spot by effecting bifurcation in survey map

in the form of separate pet hissas, by taking assistance of his subordinate authorities and to handover the same to the actual possession of plaintiff.

C. Any other relief this Hon'ble Court fit and proper under the circumstances of the case may be granted with costs of this suit to plaintiff to meet the ends of justice.

SL.No.	Sy.No.	Area	Assessment	Village	Taluka
1.	151/6	0-6-8	Rs.2.09	Chittakula	Karwar
	and trees and old dilapidated farm house bearing G.P.H No.940 of Gram Panchayat Chittakula situated therein.				
2.	586/2	0-21-0 out of 0-31-0		Chittakula	Karwar
3.	586/1	0-10-0 out of 0-31-0		Chittakula	Karwar

DESCRIPTION OF THE SUIT SCHEDULE PROPERTIES

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. K.R.Desai , Advocate for the Plaintiff, Sri. S.K.Pawar, Advocate for the Defendants No.2 and Defendant No.1 and 3 are placed as exparte.

It is ordered and decreed that:

The suit of the plaintiff is hereby decreed.

It is declared that the plaintiff is the lawful owner in constructive possession of land bearing Survey No. 151/6 measuring 6 gunthas 8 annas with trees and old dilapidated form house bearing GPH No.940 of Chittakula Gram Panchayat as per the registered sale deed dated 5.7.2011.

The defendants are directed to vacate and hand over the suit schedule Sl.No.1 property to the plaintiff within three months from the date of this order.

The plaintiff is entitled for partition and separate possession of 21 gunthas in Survey No. 586/2 situated at Chittakula Village Karwar Taluk.

The defendants are together entitled for 10 gunthas in Survey No.

586/1 situated at Chittakula Village,
Karwar Taluka.

Considering the nature of suit including the relationship between the parties, the parties are directed to bear their own costs.

Given under my hand and seal of this Court on 23rd day of June, 2021.

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

MEMORANDUM OF COSTS INCURRED IN THIS SUIT

	By the Plaintiff	By the D-2	D-1 & 3 Exparte
Court fee paid on Suit	125	-	-
Process Fee	18.00	-	-
P.B. charges	-	-	-
Vakalath	-	-	-
Advocate Fee	-	-	-
Total Rs.	143.00	-	-

Draft Decree prepared and notified
on: 28.06.2021.

Decree signed on 07.07.2021.

Prepared by

Checked by

Decree Asst

Sheristedar
Admn

Prl. Senior Civil Judge,
Karwar.

(K.R.Desai)
(Adv. for the Plaintiff)

(S.K.Pawar)
Adv. for the D -2

D1 & D3 - Exparte

Note: Valuation Slip has been enclosed herewith as per Hon'ble
High of Karnataka, Bangalore, Circular No.1/04, dated:
23.11.2004.

