

D E C R E E

**IN THE COURT OF THE PRL.CIVIL JUDGE AND
JMFC., KARKALA**

Present: Smt. Poornima N.Pai, B.Com., LL.B.,
Prl. Civil Judge and J.M.F.C., Karkala.

Dated:- This the 24th day of November, 2014.

O.S.No.54 of 2011

Mr. Valerian Danthi,
aged about 43 years,
Son of Ligory Danthi,
residing at 'Danthi Nekethan',
Ninjoor Post, Karkala Taluk,
Represented by his G.P.A.Holder
Mrs. Philomina Danthi,
aged about 40 years,
Wife of Valerian Danthi,
residing at Vivian Villa,
Kowdoor Village, Karkala Taluk,
Udupi District.

.... Plaintiff.

(By Sri.H.Shekar Madival Advocate)

- AND -

Mrs. Lathishia Mathias,
aged about 45 years,
W/o John Mathias,
residing at 'Levia Villa',
Ranganapalke, Kowdoor
Village, Karkala Taluk,
Udupi District.

...Defendant.

(By Sri Sampath Kumar N., Advocate)

The plaint presented on 22-03-2011 and registered on 29-03-2011. The suit is valued at ₹45,500/- for the purpose of court fee and jurisdiction and a court fee of ₹2,638/- is paid under Section 29 of the Karnataka Court Fees and Suits Valuation Act.

The cause of action for the suit arose on 23-11-2010 when the plaintiff called upon the defendant to handover possession of the suit 'A' schedule property at Kowdoor village of Karkala taluk, which is within the jurisdiction of this Court.

This Suit is filed by the plaintiff prays for a judgement and decree in his favour and against the defendant in terms of the following reliefs:

- a) Directing the defendant to deliver possession of suit 'A' schedule property to the plaintiff with in time to be fixed by the court and on her failure to permit the plaintiff to take possession through the process of the court;
- b) Directing the defendant to pay the mesne profit at the rate of ₹.500/- per month till deliver of possession to the plaintiff;

- c) Directing the defendant to Rs.500/- towards the cost of the lawyer's notice;
- d) Directing the defendant to pay the cost of the suit;
- e) For such other and further reliefs as the Court deems fit to grant under the circumstances of the case.

This suit is coming on this day before me for final disposal in the presence of Sri.H.Shekha Madival, Advocate for the Plaintiff and of Sri.Sampath Kumar N. advocate for the defendants. On 24-08-2011 and 28-10-2011, plaintiff evidence has been recorded. On 01-04-2013 and 18-11-2013 defendant evidence has been recorded. On 27-10-2014 and 13-11-2014 heard arguments of parties. Upon perusal of the plaint and other material papers "THIS COURT DOTH HEREBY ORDER AND DECREE " as follows;

1) That the suit of the plaintiff is hereby dismissed with cost .

2) That, the plaintiff shall pay sum of ₹.4250/- to the defendant towards the cost of the suit.

SCHEDULE

The land measuring 0.30 acre in extent in S.No.160/3 portion of Kowdoor village of Karkala taluk. The said land notified as 160/3P2 in the annexed sketch.

Boundaries:

East: Portion of the same sub-division;
 West: Portion of the same sub-division;
 North: Ranganapalke Nakre road;
 South: Survey line.

*Given under my hand and the seal of this Court,
 this the 24th day of November-2014.*

(Poornima N.Pai),
 Prl. Civil Judge & JMFC.,
 Karkala.

Memorandum of costs

		Plaintiff Rs.Ps.	Defendant Rs.Ps.
1.	C.F.paid on plaint	2638-00	--
2.	Process Fee	8-00	--
3.	Typing & clerical charges	250-00	250-00
4.	Cost on I.A.	--	1000-00
5.	Advocate's fee: Sr.: Jr.:	3000-00	3000-00
	TOTAL	8,896-00	4,250-00

Prl.Civil Judge & J.M.F.C.,
 Karkala.

Decree signed on : 08-12-2014

Prl. Civil Judge & J.M.F.C.,
 Karkala.

Form No.1
(Civil Valuation Slip)

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC, KARKALA.

O.S. No. 54 /2011

Between

Mr.Valerian Danthi , Rep.by
GPA holder Mrs.Philomina Danthi.Plaintiff.

- AND -

Mrs.LAthishla Mathias Defendant

VALUATION SLIP

Serial No.of the property in the plaint schedule	The clause of section 29 of the Karnataka Court Fee and Suits Valuation Act under which the property comes	The amount of revenue or other basis for valuation	Method adopted to arrive at valuation	Valuation arrived at
FOR COURT FEE				
Plaint schedule property	Section 29 of KCF and SV Act.	Valuation ₹.45000/- and 500/-		₹.2638/- is paid
FOR JURISDICTION FEE				
Plaint schedule property	Section 29 of KCF and SV Act	Valuation ₹.45000/- and 500/-		₹.2638/- is paid

Place : Karkala
Date : 08-12-2014

Prl. Civil Judge & JMFC,
Karkala.

