

DECREE

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

Present: Sri. Puttaraju, B.A., LL.B.,
Prl. Civil Judge & J.M.F.C., Karkala.

Dated:- This the 14th day of February, 2019.

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.

(Plaintiff: Absent.)

- AND -

1.Mrs. Lathishia Mathias,
aged about 45 years,
W/o John Mathias,
residing at 'Levia Villa',
Ranganapalke, Kowdoor
Village, Karkala Taluk,
Udupi District.(Since deceased, LR's brought on record)

1(a). Sri John Mathias,
aged about 55 years.

1(b). Levia mathias,
aged about 21 years.

No.1(a) is the husband and
No.1(b) is the daughter of
Late Lathishia Mathias and
both are residing at Levia Villa,
Ranganapalke, Kowdoor Village,
Karkala Taluk, Udupi District. ...Defendants.

(Defendant No.1(a) & (b): Absent;
Defendant No.1: Dead)

The plaint presented on 22-03-2011 and registered on
29-03-2011.

That the above suit is valued at Rs. 45,000/- and Rs. 500/-
for the purpose of court fee and jurisdiction an a court fee of Rs.
2,625/- + 13 is paid under Section 29 of Karnataka Court fees &
Suits valuation Act.

That the cause of action for this 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 judgment and decree in his favour and against the defendants in terms of the following reliefs:

- a) Directing the defendant to deliver possession of suit 'A' schedule property to the plaintiff with in the 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 Rs. 500/- per month till deliver of possession to the plaintiff.
- c) Directing the defendant to pay Rs. 500/- towards the cost of the lawyers notice.
- d) Directing the defendant to pay the cost of this suit.
- e) For such other and further reliefs as the court deems fit to grant under the circumstances of the case.

This suit again coming before this court after remand as per Judgment & decree dated 14-11-2018 in R.A.4/2015 on the file

of Senior Civil Judge and JMFC, Karkala, even though issuing of Court Notice to both the parties, Plaintiff & defendants No. 1 (a) and (b) remaining absent. Defendant No. 1 reported to dead. Upon perusal of the plaint and other material papers "THIS COURT DOTH HEREBY ORDER AND DECREE " as follows;

ORDER

- 1) That, the suit of the plaintiff is hereby dismissed with costs.
- 2) That, the Plaintiff shall pay sum of Rs. 4,250/- to the defendants towards the cost of this suit.

SCHEDULE

DESCRIPTION OF THE IMMOVABLE PROPERTY

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 same Sub division.

West: Portion of same Sub division,

North: Ranganapalke Nakre road,
South: Survey line.

Given under my hand and the seal of this Court, this the
14th day of February 2019.

(Puttaraju)
Prl. Civil Judge & JMFC., Karkala.

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Memorandum of costs

		Plaintiff	Defendants	
			No.1 (a) & (b)	NO.1
1.	C.F.paid on plaint	2,638-00	--	Dead
2.	Process Fee	8-00	--	
3.	Typing & clerical charges	250-00	250-00	
4.	Cost on I.A.		1,000-00	
4.	Advocate's fee	3,000-00	3,000-00	
	TOTAL	8,896-00	4,250-00	-NIL-

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

Decree signed on : -02-2019.

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

Form No.1
(Civil Valuation Slip)

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

O.S. No. 54/2011

BETWEEN

Mr. Valerian Danthi
Represented by his G.P.A. Holder
Mrs. Philomina Danthi

....Plaintiff

- AND -

Mrs. Lathishia Mathias

...Defendant

VALUATION SLIP

1	2	3	4	5
Serial No. of the property in Plaint schedule.	The Section 29 of K.C.F. & S.V.Act Under which the property comes	The amount of Revenue or other basis for valuation	Method adopted to arrive at the valuation	Valuation arrived at
FOR COURT FEE				
Plaint schedule property	Section 29 of Karnataka Court fees & Suits Valuation Act.	Valuation Rs. 45,000/- and Rs. 500/-		Rs. 2,638/- is paid
FOR JURISDICTION FEE				
Plaint schedule property	Section 29 of KCF and SV Act	Valuation Rs. 45000/- and 500/-		Rs. 2638/- is paid

Place : Karkala
Date : /02/2019

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