

DECREE

**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC, AT
KUNDAPURA**

Present: SHRI. PRAVEEN NAYAK, L.L.M.,
Principal Civil Judge and
JMFC, Kundapura.

Dated on this 18th day of January, 2019

O.S. No. 177/2009

Plaintiffs : 1. Smt. Rukmini S.Hegde, 68 years,
2. Smt. Premalatha S.Shetty, 61 years
3. Sri M.Vittal Shetty (now dead)
Rep. by Defendant No.3(a)

3(a) Smt. Vijaya A.Shetty, 41 years,
D/o Late M.Vittal Shetty
R/o Anagalli Village,
Kundapura Taluk,
P.O: Anangalli.

4. Sri Jeevananda Shetty, 41 years
Nos. 1 to 3 are children of late Subbakka Shedthi
and No.4 is the son of late Hemalatha Shetty
1 to 3 and 4 residents of NISARGA,
Gundigoli, Basroor Village and Post,
Kundapura Taluk.

(Rep.by Sri A.Balakrishna Shetty, Advocate)

- AND -

Defendants : 1. Mr. Anthony D'Mello, 64 years
S/o Felix D'Mello,
2. Smt. Showrie D'Mello, 62 years,
D/o Felix D'Mello,

3. Louis Mascarhenas, 60 years,
W/o late Maria D'Mello (now dead)
No legal heirs, but staying with
1st defendant.
All residents of Margoli,
Basroor Village and Post,
Kundapura Taluk.

(Rep.by Advocate Sri.Shiriyara Muddanna Shetty
for D1 and D2, D3-Abated.)

Plaintiff prays (1) For a permanent injunction restraining the defendants, their agents, and also representatives from entering upon or trespassing into the suit 'C' schedule and 'D' schedule lands or in any other manner to disturb the peaceful possession and enjoyment of the said lands by the plaintiffs. (2) Directing the defendants to pay the cost of this suit to the plaintiffs, (3) To grant such other and further reliefs as the Court deems fit to pass under the circumstances of the case in the interest of justice.

Plaint presented on 31-07-2009 and registered on 03-08-2009.

The cause of action for the suit arose on and since the month of April, 2009, on 08-04-2009 the date of the legal notice, on 12-05-2009 when the reply to the legal notice is received and also subsequently. It arose in Basroor Village, Kundapura Taluk a place within the jurisdiction of this Court.

The value of the suit for the purposes of court fee and jurisdiction is Rs.1,000/- and a court fee of Rs. 25/- is paid under section 26(c) of the Karnataka Court Fees and Suits Valuation Act, 1958.

DECREE: This suit coming on 09-02-2010, 16-09-2016, 05-11-2016, 05-07-2017, 07-08-2017, for recording plaintiff evidence and 10-12-2018, 14-01-2019 for hearing arguments before me in the presence of Sri A.B.S. Advocate for plaintiff and Sri S.M.S Advocate for defendant No.1 & 2, and Defendant No.3 is abated and the matter having stood over for consideration till this day, this Court doth hereby order and decree as follows:-

1. That the suit of the plaintiff for the relief of permanent injunction is hereby decreed with costs.
2. That the defendants, their agents and their representatives are hereby restrained by way of permanent injunction from entering upon or trespassing into 'C' and 'D' schedule properties and also from disturbing the peaceful possession and enjoyment of the plaintiff over the said properties.
3. That the defendants shall pay Rs.3191-00 to the plaintiffs towards the cost of the suit.

Given under my hand and the seal of this Court, this the 18th day of January, 2019.

**PRL. CIVIL JUDGE & JMFC
KUNDAPURA.**

Schedules

Immovable property situate in Basroor Village, Kundapura Taluk.

'A' Schedule

Survey Number	Kissam	Extent A.C	Assessment Rs. Ps.
187-12	Dry	0.06	0.06

(Northern Portion) (in R.T.C. S.No.187/12P3)

East : S.D. Line & S.No.187-11C (D Schedule below)
 South : Land granted to 2nd defendant -B Schedule
 West : Sub-division line
 North : Basroor Road.

'B' Schedule

187-12	Dry	0.02	0.02
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(Middle Portion) (in R.T.C. S.No.187/12P2)

East : S.D. Line & S.No.187-11C -D- Schedule below
 South : Portion of this SD -'C'- Schedule below
 West : S.D. line
 North : 'A' schedule above.

'C' Schedule

187-12	Dry	0.10	nil
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(South Portion) (in R.T.C. S.No.187/12P1)

East : S.D.No.187-11C -D- Schedule below
 South & West: Sub division lines
 North : Portion of S.D. - B- schedule above.

'D' Schedule

187-11C Dry 0.28 nil

(Full sub-division) (in R.T.C. S.No.187/11C)

East & South: S.D. Lines
 West : S.D. line & S.No.187/12 (A, B, C Schedules)
 North : S.D. Line and Basroor road.

SCHEDULE OF COSTS

Sl. No.		Plaintiff ₹	Defendant Nos.1 & 2 ₹	Defendant No.3
1.	Court fee on Plaint	25-00		Abated
2.	Process fee	16-00	--	
3.	Typing Charges	150-00	150-00	
4.	Pleader's fees	3000-00	M.C. not filed.	
TOTAL		3191-00	150-00	

Decree prepared on: 25-01-2019.

Decree signed on : 29-01-2019.

**PRL. CIVIL JUDGE & JMFC
 KUNDAPURA.**