

Sri. HBR for plaintiff filed memo reporting the death of defendant no. 9 and submits defendant no. 8, 10 and 11 are his legal heirs.

Sri. J.K. for defendants held no objection on memo.

Heard.

Memo is allowed.

The plaintiff is permitted to mention the death of defendant no. 9 in cause title and directed to submit the amended plaint in the office.

Sri. HBR for plaintiff filed memo praying to dismiss the claim of the plaintiff over item no. 1 of B schedule property and item no. 2 of C schedule property.

Sri. JK for defendant held no objection .

Heard

Memo is allowed.

The claim of the plaintiff over item no. 1 of B schedule property and item no. 2 of C schedule property is hereby dismissed as not pressed.

Sri. HBRK for plaintiff filed IA U/o 6 rule 17 of CPC praying to amend the measurement and in item no. 7 of B schedule property.

Application has been supported with affidavit of the plaintiff .

Sri. JK held no objection.

Heard.

IA is allowed as sought for.

The plaintiff is permitted to amend the plaint and submit the amended plaint in the office.

Sri. H.B.R.K. for plaintiff filed memo along with documents.

Plaintiff and his counsel Sri. HBRK present and Defendant no. 1 to 8, 10 and 11 are and their counsel Sri. JK. present.

Both parties are filed the compromised petition U/o 23 rule 3 of CPC.

Contents of the compromise petition have read over to the parties and both parties are accepted the same.

Perused the material available in record.

The plaintiff has filed suit for partition and separate possession of the suit properties. Now both parties have compromised the matter as per the compromise petition.

On perusal of the RTC extract it appears that item no. 2 of B schedule property bearing Sy no. 54 is measuring 7.39 acres, item no. 3 of B schedule property bearing Sy no. 55A measuring 3.03 acres is standing in the name of defendant no. 3, item no. 4 of the property in Sy no. 55B measuring 3.03 acres of B schedule property is standing in the name of defendant no. 2. Item no. 5 of the property bearing Sy no. 165 measuring 0.20 acres of B schedule property is standing in the name of father of the defendant no. 1 to 9. Item no. 6 of the property in Sy no. 255F measuring 0.50 acres of B schedule property is standing in the name of defendant no. 2. Item no. 7 of the property bearing Sy no. 300 measuring 4 acres and it is standing in the name of plaintiff.

Similarly item no. 1 of schedule C of the property bearing door no. 60/2 is standing in the name of defendant no. 3. Item no. 3 of Schedule C of the property bearing door no. 63/2 is standing in the name of defendant no. 2. Item

no. 4 of Schedule C of the property bearing door no. 61/3 is standing in the name of defendant no. 3. Item no. 5 of Schedule C of the property bearing door no. 76/2 is standing in the name of plaintiff.

Thus the suit properties are standing in the name of plaintiff and defendants and their father. Now they have compromise their matter and get allocated the share Hence, the compromise petition can be accepted. Accordingly I proceed to pass the following

ORDER

The compromise petition U/s 23 rule 3 of CPC filed by the both parties is hereby accepted. Suit of the plaintiffs is hereby decreed as per the compromise petition.

Draw final decree in terms of compromise petition.

Sr. Civil Judge Huvinahadagali.