

DECREE

**IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE,
UDUPI.**

Present: Sri Vivekananda S. Pandit, ***B.A., LL.B.(Spl.)***
Prl. Senior Civil Judge, Udupi.

Dated this the 26th day of March, 2019.

O.S. No. 01/2018

Between:

- 1 Mohammed Gulam,
 S/o Late Aisamma,
 79 Yrs,
 P.B. No.17-7-433/13,
 Flat No. 304,
 Silver Springs,
 Valencia Mangalore

 - 2 Mohammed Ali T. 63 Yrs,
 S/o Late Faku Gulam
 Residing at Site No.145,
 D.No.8-114/2,
 8th Block,
 Chocka Bettu – 575 –014

 - 3 T Mohammed Bashir
 59 Yrs,
 S/o Late Faku Gulam
 Residing at Flat No.303,
 IIIrd Floor,Samora Apartment,
 Opposite Kabaristan,
 8th Block, Krishnapura,
 Mangalore Taluk and District.
- Plaintiffs

- 4 Abdul Rahim, 57 Yrs,
S/o Late Fakru Gulam,
Residing at GL. 43-1, 8th Block,
Chokkabettu, Surthakal,
Mangalore D.K.,
- 5 Sirajuddin, 51 Yrs,
S/o Late Fakru Gulam
Residing site No.157, 8th Block,
Door No.145/8 Chokkabettu,
Krishnapura Post, Mangalore
Taluk, D.K., District, Surathkal.
- 6 Hazara, 49 Yrs,
W/o S Abdul Khader,
D/o Late Fakru Gulam,
Residing at Hyder Ali Street,
Mukhachery, Near Masjid,
Ullal, Mangalore.
- 7 T Mustaq Mohammed, 46 Yrs,
S/o Late Fakru Gulam,
Residing at Site No.157,
8th Block, Door No.145/8,
Chokkabettu, Krishnapura,
Mangalore Taluk, D.K.
- 8 Haleema, 51 Yrs,
- 9 Mehtab Ali, 35 Yrs,
- 10
Shabab Ali, 23 Yrs,
- 11 Apnaz, 19 Yrs,
No.8 is Wife and No.9 to 11 are
Children of Late Abdul Aziz
All are residing at site No.205,
8th Block, Door No.6/129,

Plailntiffs

Near M.J.M., Hall,
Krishnapura.

12 Saramma, 38 Yrs,

13 Shameera, 17 Yrs,

14 Shaman, 13 Yrs,

No.12 is wife and No.13 and 14
are children of late Nazeer
Residing at Abdul Nazeer, Fakru
Gulam Haleem House, 8th Block,
Chokkabettu, Krishnapura,
Mangalore Taluk and D.K.
District, (Plaintiff No.2 is
representative for No.3 to No.14
as their true attorney)

15 H Mohammed, 69 Yrs,
S/o Late Pathunchi,
Fathima Cottage,
Near Falah School,
Talapady Post 575 023

16 Aminamma, 67 Yrs,
D/o Late Pathunchi,
Amina Bagh,
Opposite Falah Masjid,
'K.C. Nagar,
Post Talapady 575 023

Plaintiffs

17 Gulam Moidin, 59 Yrs,
S./o Late Pathunchi,
Residing at Door No.1-389/1,
Darussafa, K.C. Nagar,
Talapady Post,
Mangalore Taluk and D.K.
District.

- 18 Maimuna, 56 Yrs,
D/o Late Pathunchi,
D.No.7-276/1,
Maimuna Manzil,
Hill Side Road,
Krishnapura,
Surathkal 575 014
 - 19 Zohara, 54 Yrs,
D/o Late Pathunchi,
Residing at New Belve House,
Kundapura Kodi,
Kundapura Taluk
 - 20 Nazeema, 45 Yrs,
D/o Late Pathunchi,
Residing at Katheeza Manzil,
Near Juma Masjid,
Addoor Post,
Mangalore Taluk D.K. District
(Plaintiff No.16 and Plaintiff
No.18 to plaintiff No.20 are
represented through their
attorney plaintiff No.17)
 - 21 Khairunnisa, 55 Yrs
W/o Late Thahiruddin,
 - 22 Fathmathul Sajida, 29 Yrs,
D/o Late Thahiruddin
 - 23 Ayisha, 27 Yrs,
D/o Late Thahiruddin
 - 24 Mohammed Shafiq, 23 Yrs,
S/o Late Thahiruddin
 - 25 Mohammed Arif, 20 Yrs,
S/o Late Thahiruddin
Plaintiff No.21 to 25 are residing
at Flat No.402,
- Plaintiffs

4th Floor, Maxfort Apartment,
Masthikatte, Ullalbail, Post Ullal,
Mangalore Taluk, D.K., District
(Plaintiff No.21 to 25 are
represented through their power
of attorney plaintiff No.15)

26 Mohammed Hanieef,
S/o Late H.K. Shibli, 54 Yrs,
Residing at 7-IA-91
New Colony,
Kodankoor,, Udupi.

27 Ellias Mohammed Shibli
S/o Late H.K. Shibli, 52 Yrs,
Door No.1-24-IA,
Sanad Manzil,
Opposite K E B,
Rajeev Nagar, 14th Cross,
Kelarkalabettu,
Udupi.

28 Abdul Rehaman,
S/o Late H.K. Shibli, 49 Yrs,
Residing at H.No.4-120,
Bhaskar Nagar,
Bada Village, Udupi Taluk.

29 Musthaq,
S/o Late H.K. Shibli, 45 Yrs,
Residing at H.No.6-118K
Hanumantha Nagara,
Puttur Post,
Udupi Taluk and District

Plaintiffs

30 Mohammed Khalid Shibli
S/o Late H.K Shibli, 43 Yrs,
MAA House,

Nejar, Kellarjkalbettu Post,
Udupi.

- 31 Habeeb, S/o Late H.K. Shibli,
 40 Yrs, House No. 6-118 K,
 Hanumantha Nagar,
 Puttur Post, Udupi Taluk
 (Plaintiff No.27 to Plaintiff No.31
 are represented by plaintiff
 No.26.)
- 32 Abdul Gafoor Mohammed, 51
 Yrs,
 S/o Late Mariamma,
 Noor Residency,
 1st Floor, Flat No.103,
 Opposite Shadi Mahal,
 Bolar Mangalore.
- 33 Fathima, 63 Yrs,
 D/o of Mariamma,
 Residing at H.No.6-79,
 Katipalla, Mangalore.
- 34 Mrs Naseema, 38 Yrs,
 W/o Mohammed Hussain,
 Residing at Door
 No.23/11/951/13-A
 Attavara,
 Mangalore Taluk, D.K.,
- 35 Mrs Ayesha, 55 Yrs,
 D/o Late Mariamma,
 Residing at 8A-23, Block No.8A,
 Krishnapura Post,
 Surathkal,
 Mangalore Taluk.
- Plaintiffs

- 36 Mrs Jameela, 47 Yrs,
D/o late Mariamma,
Residing at 19-10-561/11,
Attavara,
Mangalore
- 37 Mrs Hazara, 45 Yrs,
D/o Late Mariamma,
Residing at 4-23/1,
Dendurukatte,
Manipuar, Udup Taluk
- 38 Mrs Safiya, 42 Yrs,
D/o Late Mariamma
W/o Ibrahim
Residing at 3-129-26,
Kotekar Village,
Mangalore
(Plaintiff No.33 to plaintiff No.38
are represented through their
attorney plaintiff No.32)
- 39 Abdul Hameed Mohammed,
49 Yrs,
S/o Late Mariamma,
Residing at Fairooz, N.S. Road,
Hejamady Post,
Udupi Taluk and District.
- 40 H Abdulla @ Addu, 60 Yrs
- 41 Mrs Kairunnisa, 31 Yrs,
- 42 Mrs Noorunnisa, 30 Yrs, Plaintiffs
- 43 Mr Mohammed Hussain, 28 Yrs,
No.40 is husband and No.41 to
43 are children of late Salika, all

are residing at Opposite Alvas
College Handel, Moodubidri,
D.K. District.

(Plaintiff No.40 to 43 are Plaintiffs
represented through their
Attorney Plaintiff No.39)

(By Sri. S.T., Advocate)

- A N D -

- 1 | Zainabi, 65 Yrs,
W/o H.K. Mohiuddin
Residing at Bhandarapade House,
Harekala Post, Mangalore.
- 2 | Musthak Mohammed, 51 Yrs,
S/o Late H. K Mohiuddin,
Residing Near Primary School,
Kodi House,
Hejamadi Kodi Post,
Udupi Taluka and District.
- 3 | Abdul Latheef , 49 yrs,
S/o Late H K Mohiuddin,
Residing at Bhandarpadi House,
Harekala Post,
Mangalore Taluk,
- 4 | Ayisha, 46 Yrs,
D/o Late H K Mohiuddin,
Residing at D.No.1-389/1,
Darussafa, K.C. Nagar,
Talapady Post, Mangalore Taluk.
- 5 | Sualiman H.K., 44 Yrs,
s/o Late K H Mohiuddin
Kodi House, Hejmadi Kodi,

Defendants

	Udupi Taluk	
6	Mohammed Nasir, 41 Yrs, S/o Late H K Mohiuddin Bhandarapadi House, Harekala Post, Mangalore Taluk.	
7	Abdul Majeed, 38 Yrs, S/o Late H K Mohiuddin	
8	Rasheeda, 35 Yrs, D/o Late H K Mohiuddin, Defendant No.8 and 9 are residing at Bhandarapadi House, Harekala Post, Mangalore Taluk.	Defendants

(Exparte)

This Suit is filed U/s 26, Order VII, Rule 1 of CPC, by Sri. S.T., Advocate for plaintiff on 16-12-2017 and registered on 03-01-2018.

The Plaintiff prays for a judgement and decree against the defendants for (a) Divide the plaint 'A' schedule property into 10 shares with reference to good and bad soil and allot and distribute 8 such shares to plaintiff with free from all encumbrances. (b) Directing the defendant to pay full costs of the suit.

That the cause of action arose for this suit on and since Thirty first march of 2016 and also in the

meanwhile and subsequently at Hejmadi Village of Udupi Taluk, where the plaint 'A' Schedule property is situated within the jurisdiction of this Court.

That the suit is valued at Rs. 7,20,035/- for the purposes of Court Fees and a Fixed court Fees and Jurisdiction and a Court Fees of Rs. 200/- is paid on the plaint under Section 35(2) of Karnataka Court Fees and Suit Valuation Act 16 of 1958.

This suit coming on 26-03-2019 for final disposal before me in the presence of Sri. S.T., Advocate for Plaintiffs and Defendants are placed exparte and the matter stood over for consideration till this day this court doth hereby ordered and decreed as follows:

- 1 That, the both the parties have filed compromise petition U/Or. XXXIII R 3 of CPC is hereby allowed.
- 2 That, the plaintiffs have given up their share for partition in respect of the plaint 'A' schedule property and defendants 1 and 3 to 8 also give up their share in respect of the plaint 'A' schedule property in favour of the 2nd defendant for the total consideration amount of Rs. 7,50,000/-

- 3 That, the plaintiff No.1 received the consideration amount of Rs. 1,25,000/- the plaintiff No.2 to 14 jointly received Rs. 1,25,000/- plaintiff No.15 to 25 received total amount of Rs. 1,25,000/- jointly, plaintiff No.26 to 31 received amount of Rs. 1,25,000/- the plaintiff No.32 to 43 jointly received Rs. 1,25,000/- and the defendants 1, 3 to 8 received total sum of Rs. 1,25,000/- from the 2nd defendant. The said consideration amount is being paid as cash. The plaintiffs and defendants No.1 and 3 to 8 acknowledge the receipt of payment. Therefore, the plaint A schedule property may be exclusively and absolutely allotted to the 2nd defendant Musthak Mohammed only and alone.
- 4 That, the 2nd defendant is put in exclusive possession of the plaint 'A' schedule property with the building and other improvements standing therein who shall enjoy the plaint 'A' Schedule property as the absolute owner thereof. The plaintiffs and defendants 1 and 3 to 8 or any persons

claiming through or under them have no any further claim by them or their respective their legal heirs in future in respect of the plaint property on against the 2nd defendant.

3 That, compromise petition shall be part and parcel of the decree.

Given under my hand and seal of the court dated this the 26th day of March, 2019.

Prl. Sr. Civil Judge & CJM,
Udupi.

'A' SCHEDULE

Description of the immovable property

Immovable property situated in Hejmadi Village ,
Kaup Hobli of Udupi Taluk held on occupancy right:

S.No.	Extent A.C.	Assessment Rs.Ps.
78/2A	0-14	1-99
with a 1,500 Sq. Ft tiled House Door No.6-161, well, trees, pump set , right of way etc.		

SCHEDULE OF COSTS

Sl. No.	Description	Plaintiff Rs.	Defendants
1.	Stamp on plaint	200-00	EXPARTE
2.	Process Fee	--	
3.	Typing and Clerical charges	400-00	
4.	Advocate fee	Memo of cost not filed	
	TOTAL	600-00	

Prl. Sr. Civil Judge & CJM,
Udupi.

Decree signed on: 05-04-2019.

Prl. Sr. Civil Judge & CJM, Udupi.

IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE UDUPI.**O.S. 01/2018**

Mohammed Gulam and others Plaintiffs

And

Zainabi and Others Defendants

VALUATION FOR**Valuation for the purpose of Court Fees and Jurisdiction**

That the total extent of the plaint 'A' scheduled Properties is 14 cents. The total assessment of the said properties is Rs. 1,99 (Rupees one and ninty nine paise only) Capitalizing the same by 20 times, the market value of the plaint 'A' schedule properties is Rs. 39.80/- (Rupees Thirty Nine and Eighty Paise Only). To this the value of the house has to be added which is estimated at Rs. 8,00,000/- (Rupees Eight lakhs only). (As per the third party affidavit). Hence, the total market value of the plaint 'A' Schedule properties comes to Rs.8,00,039.80 (Rupees Eight Lakhs and Thirty Nine Point eighty Paise only). Out of it, plaintiffs 8/10th share comes to Rs. 7,20,035/- (Rupees Seven Lakhs Twenty Thousand Thirty Five only)

Prl. Sr. Civil Judge & CJM,
Udupi.