

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15TH DAY OF JULY 2009

BEFORE

THE HON'BLE MR. JUSTICE N. ANANDA

C. R. P. NO. 62/2009

BETWEEN:

Kannappa
S/o Thimmanaiaka
Aged about 59 years,
Agriculturist,
R/o Sunkadevarakoppa,
Talaguppa Hobli,
Sagar Taluk-577 401. ... PETITIONER

(By Sri S V Prakash, Adv.)

AND:

- 1 Laxmanappa
S/O Thimmanaiaka
Aged about 51 years,
Agriculturist,
R/O Hoskoppa Village.
- 2 H T Ramappa
Since Dead By Lrs
 - a. Vedavathi
W/O H.T. Ramappa
Aged about 49 Years,
 - b. Raghavendra
S/O H.T. Ramappa
Aged about 27 years,
 - c. Chandrakala
D/O H T Ramappa
Aged about 31 years,

All are Agriculturist
R/O Hoskoppa Village

Talaguppa Hobli,
Sagar Taluk-577401.

3 Hemavathi
W/O Dananjaya
Aged about 42 years,
R/O Marthur Village,
Talagupa Hobli,
Sagar Taluk-577 401.

... RESPONDENTS

This CRP filed u/s 115 CPC against the judgment and decree dated 23.10.2008 passed in MA.No. 13/2007 on the file of the Civil Judge (SR.DN.), SAGAR, dismissing the appeal and confirming the order dated: 4.4.2007 passed on I.A.NO.II in OS.No.403/1999 on the file of the Addl.Civil Judge (JR.DN.), Sagar, dismissing I.A.NO.II filed u/o 23 R 3 r/w S 151 of CPC and section 17 of the Arbitration Act of 1940.

This petition coming on for orders this day, the Court made the following:-

ORDER

The matter is listed in the orders list. With the consent of learned Counsel for parties, it is taken up for final disposal.

2. In a suit for partition, the petitioner relying upon a decision rendered by the panchayatdar during pendency of the suit, moved the trial court to make the decision of the panchayathdars as ^{the} a rule of the Court.

W. S. Srinivas

The decision rendered by panchayatdars during pendency of the suit cannot be equated to an award made by an Arbitrator either under the Provisions of the Arbitration Act, 1996 or under the Provisions of the Arbitration Act, 1940. The petitioner ^{could} ~~can~~ prove the same during trial.

3. In the circumstances, I do not find any grounds to interfere with the impugned order. Therefore the petition is dismissed without notice to other side.

Sd/-
Judge

nas.