

IN THE HIGH COURT OF KARNATAKA, BANGALORE
DATED THIS THE 23rd DAY OF March 2001

BEFORE

THE HON'BLE MR.JUSTICE H.RANGAVITTALACHAR

CRP No.4454 OF 2000

BETWEEN

- 1 DASEGOWDA
BY HIS L.RS
- 1a. THIMMAMMA
AGE:65 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 1b. NAGARAJU
AGE:40 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 1c. LAKSHMAMMA
AGE:45 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 1d. CHIKKAHOMBAMMA
AGE:40 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 1e. CHIKKAHOMBAMMA
AGE:38 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 1f. SUKANYA
AGE:30 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 1g. RATHNAMMA
AGE:26 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
2. YELAVEGOWDA
DEAD BY LRS

- 2a. JAYASHEELAMMA
AGE:45 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 2b. GOWRAMMA
AGE:42 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 2c. PARVATHAMMA
AGE:40 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 2d. RAMESHA
AGE:38 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 2e. MANGALAMMA
AGAE:36YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 2f. HEMA
AGE:34 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 2g. YESHODAMMA
AGE:32 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
- 2h. DEVARAJU
AGE:28 YRS
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
3. C MARITHIMMEGOWDA
S/O LATE YELAVECHAKKEGOWDA
MAJOR
OCC:AGRICULTURAL
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.
4. BALARAMU
S/O LATE DODDATHIMMEGOWDA

MAJOR
OCC: AGRICULTURAL
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.

5. SIKESHA
S/O LATE DODDATHIMMEGOWDA
MAJOR
OCC: AGRICULTURAL
R/O PANNEDODDI VILLAGE
KOPPA HOBLI
MADDUR TQ.

...PETITIONER(S)

(By Sri.ASHOK S MENASINKAI, Adv.)

AND :

1. KARIGOWDA @ VASTHEGOWDA
S/O LATE VASTHEGOWDA
MAJOR, AGRICULTURIST
R/O PANNEDODDI VILALGE

KOPPA HOBLI
MADDUR TQ.

...RESPONDENT.

(By Sri.PADUBIDRI RAGHAVENDRA RAO, Adv.)

THIS CRP IS FILED U/S.115 CPC AGAINST THE ORDER
DT:28/11/2000 PASSED ON IA NO.18 IN OS NO.836/93 ON
THE FILE OF THE ADDL.CIVIL JUDGE (JR.DN), MADDUR,
DISMISSING THE IA NO.18 FILED U/O 26 R 9 CPC.

This CRP is coming on for Hearing this day,
the court made the following.

..ORDER.

CRP 4454/2000

ORDER

Though this matter is posted for ^{consideration of} ~~affidavit~~ ^{quantity of} the stay order, same is disposed of finally on merits after hearing the learned counsel appearing for the parties.

Respondent plaintiff filed the suit OS 836/93 for a decree of permanent injunction directing the petitioner defendant from interfering with his lawful possession of the suit property. He has described the suit property as a site bearing old No.199 new No.60 situate at Besagarahalli and bounded on the east house of the first defendant, west shed of the second defendant north by road, south site of the third defendant. In other words, the suit schedule property can be clearly identified having regard to the description furnished by the plaintiff. However defendant made an application for the appointment of a Commissioner on the ground that the suit property cannot be property identified with reference to Survey Number. Learned trial Judge rejected the application holding that the

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appointment of the Commissioner is beyond the scope of the same and the property claimed by the plaintiff ^{Case No} ~~is~~ sufficiently identified. I agree with the reasonings of the learned trial Judge. When the property of the plaintiff can be clearly located and identified, I do not think there is any need for the Commissioner to make local inspection. Petition is therefore dismissed. No costs.

Sd/- JUDGE