

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

**Present:** Sri. S S Nakul, IAS,  
Deputy Commissioner,  
Uttar Kannada, Karwar

No. RB/Tech Appeal/CR-11/2015-16



**Between**

1. Shri Nagendra Gopal Bhagwat
2. Smt Sharada Kom Nagendra Bhagwat  
Both are resident of Magadde village, Yellapur Taluk  
(Represented through Advocate Sri N.S.Bhat)

.... Appellant

V/s

1. Ganapati Subray Bhat
2. Shri Venkatraman Gopal Bhagwat,
3. Both are resident of Magadde village, Yellapur Taluk
4. (Represented through Advocate Sri P.S.Bhat & Sri K.B.Naik)

.... Respondents

**Sub:** Appeal filed u/s 49 of Karnataka Land Revenue Act 1964 against Hissa Phodi and P.T.Sheet prepared in respect of Sy.No 18 of Hulugan village in Yellapur Taluka.

**Preamble:**

The Instant appeal has been filed against the order Deputy Director of Land Records, Karwar file No. ಕಂ/ಕಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೇಲ್ವಿವರ/50/14-15 dated 10-9-2015. Notices were issued to both parties.

**The brief facts of the case are as follows:**

Originally an extent of 6-25-0 (A-G-A) in Sy.No. 18 of Hulagan vllage belonged to one Gopal Bhagwat. After his death as per the partition Naga Gopal Bhagwat got 3-12-8 share and Timmanna Gopal Bhagwat got 3-12-8 share. After the death of Naga Bhagwat his children sold the property to Respondent No.1. After the death if Timmannad Bagwat his children 1) Narasimha 2) Gopal 3) Subray divided the property an extent of 3-12-8 among themselves and Hissa-Podi was done. Later Narasimha Hegde Purchased an extent of 1-5-0 in Sy. No. 158/2 from Narasimha Timmanna Bagwat. Later appellant No.2 Sharada Bhagwat Purchased the said property from Narasimha Hegde. As per the Akarband there were 5 hissass. Later 7 hissass were made. Against this the respondent No.2 filed appeal before Deputy Director of Land Records Karwar and Deputy Director of Land Records Karwar vide his order dated 10-9-2015 allowed the appeal and ordered for resurvey regarding Sy. No. 18/3, 18/4,18/6 an 18/7. Being aggrieved by this order the Appellants filed the instant appeal before this court

The Advocate for the appellants argued that.

1. The suit property originally belonged to one Gopal Bhagwat. After his death the suit property was inherited by his two sons 1)Naga Gopal Bhagwat and 2) Timmanna Gopal Bhagwat. After the death of Naga Bhagwat his children sold their share to Respondent No.1 and after the death of Timmanna his children got divided their property. Later Narasimha Hegde purchased an extent of 1-5-0 in



Sy. No. 18/2 from Timmanna Bagwat and subsequently Smt Sharada Nagendra purchase the said property.

2. Appellant's share is wrongly shown in the Hissa-map. The area mentioned in the RTC does not tally with P.T.Sheet. Area in respect of Sy.No. 18/1 and 18/5 has shown wrongly. But Deputy Director of Land Records Karwar only cancelled the Hissa-Podi in respect of Hissa No.3,6,in Sy.No.18/3 and Hissa No. 4 , 7 in Sy.No. 18/4 and orderd for resurvey. So he requested to cancel all the Hissa-Phodi in respect of Sy.No. 18/1 to 18/7.

The Advocate for the respondent not filed any written or oral statemen. So it has been decided to dispose the case on the records available in the case.

On perusal of the lower court records, appeal memo it reveals originally the suit property belonged to one Gopal Bhagwat. After his death as per the partition Naga Bhagwat got extent of 3-12-8 (A-G-A) and Timmanna Bhagwat got extent of 3-12-8 (A-G-A) share in the suit property. After the death of Naga his children sold their share to Respondent No.1 and the legal heirs of Timmanna Bhagwat got divided the property among themselves. Thus 5 hissass were made as per Mutation entry No.327 dated: 16-01-1979 as follows:

Sy No.	Extent (A-G-A)	Name
18/1	2-27-8 0-0-8(K)	Ganapati Subray Bhat
18/2	1-4-0 0-1-0(K)	Narasimha Timmanna Bhagwat
18/3	1-3-8	Gopal Timmanna Bhagwat
18/4	1-3-8 0-1-8(K)	Subray Timmanna Bhagwat
18/5	0-24-0	Ganapati Subray Bhat

Subray Timmanna Bhagwat sold his share in Sy No. 18/4 extent of 1-4-8 to Narendra Gopal Bhagwat and Venkatraman Gopal Bhagwat as per Mutation entry No. 14/06-07 dated: 08-06-2007. Again after some transaction the property was divided in to 7 hissass as follows:

Sy No.	Extent (A-G-A)	Name
18/1	2-27-8 0-0-8(K)	Ganapati Subray Bhat
18/2	1-5-0 0-1-0(K)	Sharada Nagendra Bhagwat
18/3	0-14-8	Nagendra Gopal Bhagwat
18/4	0-22-4 0-0-8(K)	Nagendra Gopal Bhagwat and Venkatraman Gopal Bhagwat
18/5	0-24-0	Ganapati Subray Bhat
18/6	0-29-0	Venkatraman Gopal Bhagwat
18/7	0-22-12 0-1-0(K)	Nagendra Gopal Bhagwat

Against this 7 Hissas Respondent No.2, Venkatraman Gopal Bhagwat filed appeal before Deputy Director of Land Records Karwar, after the due enquiry and Deputy Director



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of Land Records Karwar, in his vide order dated: 10-09-2015 allowed the appeal and ordered to resurvey. It is also evident from the records that the appellant filed OS No. 97/2013 before Hon'ble Civil Judge, Yellapur against the respondent No.1 and which is pending for enquiry. But however Deputy Director of Land Records Karwar cancelled the Khissa No. 3,6 in Sy.No. 18/3 and 4, 7, in Sy.No.18/4 as per OS No. 34/75. Hence I find no reason to interfere with the Deputy Director of Land Records, Karwar orders

Hence, I proceed to order as follows:

No. RB/Tech Appeal/CR-11/2015-16

Date:19-09-2016

### Order

Appeal is dismissed. Deputy Director of Land Records, Karwar order No. ಕಂ/ತಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೇಲ್ಮನವಿ/50/14-15 dated 10-9-2015 is upheld.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 19-09-2016)



*[Handwritten Signature]*  
" 19/9  
Deputy Commissioner,  
Uttara Kannada, Karwar.