

KABG040024322019



Presented on : 19-09-2019
Registered on : 19-09-2019
Decided on : 26-06-2025

**IN THE COURT OF IV ADDL. CIVIL JUDGE AND
JMFC BELAGAVI.**

**PRESENT: Bhuvaneshwari D. BA, LLB (Hon's), LLM.
IV Addl. Civil Judge & JMFC.,
Belagavi.**

Dated, on this 26th day of June, 2025

FDP No.22/2019

PETITIONERS :	1. Smt. Shanta W/O Ashok Kangralkar Age: 60 yrs, Occ: Household work, R/O: H. No. 1853, Jed Galli, Shahapur, Belagavi. And another
----------------------	---

V/s.

RESPONDENTS:	1. Shri. Vilas S/O Gundu Kundekar Age; 50 yrs, Occ: Agriculture, R/O: Bokanur, Tal and Dist: Belagavi And others
---------------------	--

ORDER ON I.A.No.XI

APPLICANTS/ RESPONDENT NO.4 TO 8	Smt. Mahadevi w/O Bhimsen Kalasannavar And others
---	--

(By Shri. R. P. Modagekar, Advocate for R-4 to 8)

-AND-

OPPONENTS/	Smt. Shanta W/o Ashok Kangralkar
-------------------	----------------------------------

PETITIONERS:	And another
(By Shri S. M. Desai, Advocate)	

PARTICULARS

i	Provision under which the application is filed	Order XXVI Rule 13 r/w Section 151 of C.P.C
ii	Relief sought for	Shares separately carved
iii	The date on which the application is filed	10-03-2025
iv	Number of application	IA No.XI
v	The date on which the objections are filed by different opponents	Submitted no objections
vi	The date on which the orders were passed on the said application	26-06-2025

ORDER ON I.A.No.XI FILED BY RESPONDENT NO. 4 TO 8 UNDER ORDER XX RULE 18 R/W SECTION 151 OF C.P.C

This I.A. is filed U/order XX Rule 18 of CPC to permit the Respondent No. 4 to 8 to take appropriate steps to carve out their shares in the suit properties.

2. In the affidavit annexed to the I.A., it is submitted by respondent No. 7 that they were party to the suit bearing O.S. No. 831/2007 which was decreed wherein 1/15th of the share was allotted. Further it is submitted that there is no stay for preliminary decree passed. Subsequently he claimed that I.A. No. X was

allowed wherein their proportion of the share was enlarged. Hence, they have filed this I.A.

3. The counsel for petitioner submitted no objections to allow the said I.A.

4. Upon hearing the counsels and laying emphasis on the material particulars, the following points arise for the determination of this Court;

POINTS

1. Whether the I.A No.II filed by the plaintiff under Order XXII Rule 4 deserves to be allowed?

2. What order?

5. Upon perusal of the pleadings and taking note of the oral arguments addressed by the parties on the merits of the said application, this Court answers the aforementioned points as under;

Point No.1 : In the Affirmative,

Point No.2 : As per the final order

for the following:

REASONS

6. POINT No.1: *This court is of the view that as per order **XX Rule 18 of CPC** which reads as;*

18. Decree in suit for partition of property or separate possession of a share therein.

Where the Court passes a decree for the partition of property or for the separate possession of a share therein, then,-

(1) if and in so far as the decree relates to an estate assessed to the payment of revenue to the Government, the decree shall declare the rights of the several parties interested in the property, but shall direct such partition or separation to be made by the Collector, or any gazetted subordinate of the Collector deputed by him in this behalf, in accordance with such declaration and with the provisions of section 54;

(2) if and in so far as such decree relates to any other immovable property or to movable property, the Court may, if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the right of the several parties interested in the property and giving such further directions as may be required.

7. This I.A. is to be allowed in order to enable effective implementation of decree passed in O.S. No. 831/2007 **Accordingly, Point No.1 is answered in the Affirmative.**

8. **Point No.2:-** In view of the discussions made at Point No.1, the Court proceeds to pass the following order;

ORDER

***I.A.No.XI filed by the Respondent
No. 4 to 8 under Order XX Rule 18
R/w Section 151 of C.P.C is hereby
allowed.***

***For steps on I.A. NO. XI by
respondent No. 4 to 8.***

(Dictated to the Stenographer Grade-III, directly on computer system and corrected by me and pronounced in the open Court, on this the 26th day of June 2025).

Sd/-
(Bhuvaneshwari D.)
IV Addl. Civil Judge & JMFC,
Belagavi.