

KABG210002622020



**IN THE COURT OF THE I ADDL. CIVIL JUDGE &
J.M.F.C., ATHANI
AT : ATHANI**

PRESENT: SRI. RAVINDRA.S. HAVARGI,
B.A.,L.L.B(HONS.),M.B.A.,LL.M.
I ADDL. CIVIL JUDGE & J.M.F.C., ATHANI.

DATED THIS THE 30TH DAY OF JUNE - 2026

FDP. No.04/2020

BETWEEN:

1. Smt. Rajashree Murigeppa Bagi,
Age: 40 years, Occ: Agriculture / Household work,
R/o. Halyal, Tq: Athani, Dist: Belagavi.
2. Shri. Appasab Shrimandhar Kurubar @ Karennavar,
Age: 47 years, Occ: Agriculture / Service,
R/o. Shantinagar, Athani, Tq: Athani, Dist: Belagavi.

.....Petitioners.
(By Sri. S.R. Patil., Advocate)

-Versus-

1. Shri. Shrimandhar Siddappa Kurubar,
Age: 74 years, Occ: Agriculture,
R/o. Sankonatti, Tq: Athani, Dist: Belagavi.
2. Smt. Sannatangevva W/o. Shrimandhar Kurubar,
Age: 66 years, Occ: Household work,
R/o. Sankonatti, Tq: Athani, Dist: Belagavi.

3. Shri. Annasab Shrimandhar Siddappa Kurubar,
Age: 43 years, Occ: Agriculture,
R/o. Sankonatti, Tq: Athani, Dist:Belagavi.

(R.1 and 2 by Sri. R.L.Byalagoudar, Advocate)
(R.3 by Sri. K. A. Halasagi, Advocate)

1.	Provision under which the petition is filed	Under Order 20 Rule 18 R/W Sec.54 of CPC
2.	Relief sought for	To draw final decree
3.	The date on which petition is filed	21.01.2020
4.	The date on which the objections are filed by different Respondents	Nil
5.	The date on which the orders were passed on the said petition	30.06.2026

ORDER ON MAIN PETITION

The present petition is filed by the Petitioners under Order 20 Rule 18 R/W Sec.54 of CPC, seeking to draw final decree in terms of preliminary decree passed in O.S. No.1327/2011 on the file of this Court dated 23.02.2019 and 07.03.2019 respectively.

2. Brief Facts Of The Case Are As Under;

The suit schedule properties 'A' and 'B' are the agricultural lands situated within the limits of Athani rural of Athani taluk bearing R.S. No.1207/1 measuring 02 Acres 02 Guntas Karab and remaining land 01 Acre 38 Guntas assessed

at Rs.00-43 paise and bearing R.S. No.1268/3 measuring 35 Guntas assessed at Rs.00-44 paise out of it 02 Guntas bounded by towards East- R.S. No.1207 land, towards West- Halyal government road, towards North- Gilani Shaman Pathan's land and towards South- Nimbewwa Pavadewwa Yaladagi's land and the suit schedule 'C' property is house property VPC No.2558 situated in R.S. No.1207/1 of Sankonatti village.

3. Further it is submitted that the Petitioners had filed O.S. No.1327/2011 on the file of this court seeking the relief of Partition and Separate Possession. In the said suit summons was issued to the Defendants and they are appeared through their counsel. The Plaintiff has led the evidence and produced the documents and therefore, judgment was passed on 23.02.2019 and preliminary decree was drawn on 07.03.2019. In the said preliminary decree, the Plaintiff No.1, 2 and Defendant No.1 are entitled for 1/4th share each in the suit properties. No such appeal is preferred on the preliminary decree. Hence, constrained to file this petition.

4. After institution of the above petition this court has issued notice to the Respondents and in pursuance of the notice the Respondents have appeared through their counsel, but did not file their objections to the main petition.

5. In the mean time the ADLR, Athani was appointed as court commissioner for effecting partition as per amended provision of Section 54 of CPC and as per the preliminary decree with respect to suit schedule 'A' and 'B' properties and

also directed to submit the report along with Mahazar. This court has received report on 11.10.2023.

6. Further an advocate was appointed as court commissioner for effecting the partition as per the preliminary decree with respect to suit schedule 'C' property. The advocate/Court commissioner has submitted his report.

7. Both the parties have not objected to the Court Commissioners reports.

8. Heard the arguments.

9. On the basis of the above said facts and circumstances the points that arise for my consideration are as under:

POINTS

1. Whether the Petitioners have made out grounds for drawing final decree in terms of preliminary decree passed in O.S. No.1327/2011 dated 07.03.2019 on the file of this Court ?

2. What Order or Relief ?

10. My findings to the above points are as under :

Point No.1 : In the Affirmative,

***Point No. 2 : As per final order
for the following :-***

: REASONS :

11. POINT NO.1:- The present petition is filed by the Petitioners U/Order 20 Rule 18 R/W Sec.54 of CPC seeking to draw final decree in terms of the preliminary decree passed in

O.S. No.1327/2011 dated 07.03.2019 on the file of this Court. The Respondents have appeared through their counsel, but they did not file their objections to the main petition. This court has already narrated the brief facts of the Petitioners case in the previous paragraph. Therefore in order to avoid the repetition of facts of the petition this court would directly deal with the merits of the petition.

12. In support of the petition the Petitioners have produced the certified copies of judgment and decree passed in O.S. No.1327/2011 dated 23.02.2019 and 07.03.2019 respectively.

13. Further the ADLR/Court Commissioner has submitted his report along with the Notices, Postal receipts, Office order, Court document, P.T Sheets, Sketchs, Watapthakta and RTC extracts.

14. Further Shri. C. A. Mudasi Advocate/Court commission has also submitted his report along with warrant, memo of instructions, notice, postal receipts, postal acknowledgments and postal envelopes along with hand sketch map.

15. After hearing the submission and on perusal of the records this Court observes that the Petitioners were the Plaintiffs and the Respondents were the Defendants in O.S. No.1327/2011 on the file of this Court. The said suit is decreed on 07.03.2019. As per the preliminary decree, the Plaintiff No.1, 2, Defendant No.1 are entitled for 1/4th share each in the suit schedule properties. Further there is no such appeal or stay in the above case. The

petitioners have got appointed the Court Commissioners for drawing the final decree in order to entitle themselves for 1/4th shares each in the suit schedule properties. The Court Commissioners have issued notices to both the parties through RPAD and visited the suit schedule properties situated at both Athani and Sankonatti villages and conducted the survey in the presence of both the parties and also obtained statements and effected the partition as per order of this Court and prepared the P.T. Sheets, Wataptakta with respect to suit schedule properties. The said Court commissioners reports are not objected by either of the parties and therefore this Court infers that the Court Commissions work which are conducted and the reports submitted are deserves to be accepted and also the final decree as claimed by the Petitioners deserves to be drawn. Therefore, **I answer the Point No.1 in the Affirmative.**

16. Point No.2:- As per the above said reasons and discussion, I proceed to pass the following:

ORDER

The petition filed by the Petitioners under Order 20 Rule 18 R/W Sec.54 of CPC is hereby allowed.

The Court Commissioners report submitted by the ADLR, Athani is hereby accepted.

The Court Commissioner report submitted by Shri. C. A. Mudasi Advocate is hereby accepted.

***The Court Commissioners reports
are treated as part and parcel of the
final decree.***

Draw final decree accordingly.

No order as to cost.

*[Dictated to the Stenographer, transcribed & typed by him, corrected
by me and then pronounced in the Open Court on this the 30th day of June
2026]*

**(RAVINDRA S. HAVARGI)
I ADDL. CIVIL JUDGE & JMFC,
ATHANI.**