

KABG310035532023



IN THE COURT OF THE PRL.CIVIL JUDGE, BAILAHONGAL

Dated this 09th day of JUNE 2026

SMT. ROHINI D BASAPUR

LL.M.,

Prl. Civil Judge & JMFC, Bailahongal.

FINAL DECREE PROCEEDINGS NO.17/2023

Between:

Sri. Basavraj Yallappa Talawar
Age: 25 years, Occ: Agriculture
R/o: Navalgatti, Tq: Bailhongal.

.....Petitioner/Plaintiff

(By Sri.RSM, Advocate)

V/s.

1. Sri. Gangppa Basanppa Talawar
Age: 48 years, Occ: Agriculture
2. Sri. Babu Basanppa Talawar
Age: 41 years, Occ: Agriculture
3. Sri. Demappa Singappa Talawar
Age: 51 years, Occ: Agriculture
4. Sri. Shivanppa Fakirappa Talawar
Age: Major , Occ: Agriculture
5. Sri. Demappa Fakirappa Talawar
Age: Major , Occ: Agriculture

6. Sri. Shekappa Fakirappa Talawar
Age: Major , Occ: Agriculture
7. Sri. Arjun Fakirappa Talawar
Age: Major, Occ: Agriculture
8. Smt. Basvannewwa Mahadevappa Talawar
Age: Major, Occ: Agriculture
9. Sri. Siddappa Fakirappa Talawar
Age: Major , Occ: Agriculture
10. Sri. Bhimappa Fakirappa Talawar
Age: aged , Occ: Agriculture
All R/o: Navalagatti, Tq: Bailhongal.
Dist: Belagavi

...Respondents/defendants

**(R-1 to 6, 8, 9 & 10 Exparte)
(R7 Lr's on record)**

ORDERS ON MAIN PETITION

The present Final Decree Petition is filed by the petitioners under Order XX Rule 18 read with Order XXVI Rule 13 of the Code of Civil Procedure seeking drawing up of the final decree in terms of the preliminary decree passed in O.S. No.135/2019.

2. The records disclose that the petitioners had instituted O.S. No.135/2019 before this Court seeking

partition and separate possession of their legitimate share in the suit schedule properties. After contest, this Court by judgment and preliminary decree dated 08.06.2023 decreed the suit and declared that the plaintiff is entitled to 1/3rd share in the suit schedule properties.

3. It is not in dispute that the said judgment and preliminary decree dated 08.06.2023 has attained finality and has become binding on all the parties. Thereafter, the present Final Decree Petition has been filed seeking actual partition of the suit schedule properties by metes and bounds in accordance with the preliminary decree.

4. Notice was ordered to all the respondents. Respondent Nos.1 to 6 and 8, despite service of notice, remained absent and were placed ex parte. It is brought to the notice of the Court that Respondent No.7 is dead.

5. For the purpose of effecting partition, this Court appointed a Court Commissioner under Order XXVI Rule 13 of the Code of Civil Procedure. The Court Commissioner, after

issuing notices to the parties and conducting local inspection in the presence of panch witnesses, submitted his report along with sketch, PT sheet and statements of panch witnesses.

6. On perusal of the report, it is seen that the Court Commissioner has effected partition strictly in accordance with the preliminary decree and has allotted to the petitioners their 1/3rd share in:

1.R.S. No.59/1 measuring 4 acres 23 guntas situated at Navalagatti Village; and

2.R.S. No.59/4 measuring 1 acre 18 guntas situated at Navalagatti Village.

No objections have been filed to the Commissioner's report.

7. The following points arise for consideration:

POINTS

1.Whether the petitioners prove that they are entitled to have the final decree drawn in terms of the preliminary decree dated 08.06.2023 passed in O.S. No.135/2019?

2. Whether the report and sketch submitted by the Court Commissioner are liable to be accepted?

3. What order?

8. My findings on the above points are as follows:

Point No.1: In the Affirmative.

Point No.2: In the Affirmative.

Point No.3: As per final order, for the following:

REASONS

9. Points No.1 and 2: The preliminary decree dated 08.06.2023 passed in O.S. No.135/2019 declaring the entitlement of the petitioners to 1/3rd share in the suit schedule properties has attained finality. Therefore, the rights of the parties stand conclusively determined.

10. For the purpose of implementing the preliminary decree, this Court appointed a Court Commissioner under Order XXVI Rule 13 of CPC. The Commissioner has submitted a detailed report along with sketch and supporting documents after issuing notices to all the parties and conducting local inspection.

11. The report reveals that partition has been effected strictly in accordance with the preliminary decree and that specific portions in R.S. No.59/1 and R.S. No.59/4 situated at Navalagatti Village have been allotted to the petitioners.

12. Respondent Nos.1 to 6 and 8, though served, remained absent and were placed ex parte. No objections have been filed to the report. Respondent No.7 is reported to be dead. There is nothing on record to show that the Commissioner's report is unfair, inequitable or contrary to the preliminary decree.

13. Upon careful scrutiny, this Court finds that the report is fair, proper and in conformity with the preliminary decree. Accordingly, the report deserves to be accepted and the final decree deserves to be drawn in terms thereof. Hence, Point Nos.1 and 2 are answered in the Affirmative.

14. Point no.4: For the reasons stated above, I proceed to pass the following:

ORDER

The Final Decree Petition filed by the petitioners under Order XX Rule 18 read with Order XXVI Rule 13 of the Code of Civil Procedure is hereby allowed.

The report and sketch submitted by the Court Commissioner are hereby accepted.

The office is directed to draw the final decree in terms of the preliminary decree dated 08.06.2023 passed in O.S. No.135/2019 and in accordance with the report and sketch submitted by the Court Commissioner, effecting partition of the suit schedule properties by metes and bounds.

The report, sketch, PT sheet and statements of panch witnesses submitted by the Court Commissioner shall form part and parcel of the final decree.

There shall be no order as to costs.

Draw final decree accordingly.

(Directly dictated to stenographer on computer, typed by her and corrected by me and then pronounced in the open Court on this 09th June 2026)

SD/-
**Prl. Civil Judge & JMFC,
Bailahongal**

(Order pronounced in the open court vide separate order)

ORDER

The Final Decree Petition filed by the petitioners under Order XX Rule 18 read with Order XXVI Rule 13 of the Code of Civil Procedure is hereby allowed.

The report and sketch submitted by the Court Commissioner are hereby accepted.

The office is directed to draw the final decree in terms of the preliminary decree dated 08.06.2023 passed in O.S. No.135/2019 and in accordance with the report and sketch submitted by the Court Commissioner, effecting partition of the suit schedule properties by metes and bounds.

The report, sketch, PT sheet and statements of panch witnesses submitted by the Court Commissioner shall form part and parcel of the final decree.

There shall be no order as to costs.

Draw final decree accordingly.

**Prl. Civil Judge & JMFC,
Bailahongal**

