

ORDER ON I.A.NO.IX

The L/Counsel for petitioners filed application under section 151 of CPC seeking the direction to the court commissioner to effect partition after apportion the share of deceased respondent No.11 among shares of other share holders.

2. The other share holder have not filed any objection to the application.

3. Heard on both sides.

4. Perused the materials available on record.

5. The present petition is filed for the final decree for effecting of partition of plaint schedule properties by carving out 1/6th share each of the plaintiffs by metes and bounds by appointing court commissioner. During the pendency of this petition, the respondent No.11 died and her Lrs are already on record. In the preliminary decree 1/6th share

has been allotted to the plaintiffs and defendants No.1 and 2. The respondent No.11 herein is the plaintiff No.4 in the Original suit. Therefore, her share has to be proportionate amongst the other living share holders. If the application is allowed, no prejudice would be caused to the other side. Hence, proceed to pass the following order.

ORDER

The application filed by the L/Counsel for the petitioners under section 151 of CPC is hereby allowed.

The $\frac{1}{6}^{\text{th}}$ share of the respondent No.11 is proportionated amongst the $\frac{1}{6}^{\text{th}}$ share each of the petitioners as under:

The plaintiffs are entitled for $\frac{1}{5}^{\text{th}}$ share each and defendants No.1 and 2 are entitled for $\frac{1}{5}^{\text{th}}$ share each

in the plaint schedule properties.

The copy of this order shall be send to the court commissioner for necessary consideration and further commissioner work.

Directed the court commissioner to consider the order of this court along with preliminary decree.

Directed the court commissioner to submit his report without any unnecessary delay as the present case is listed as the oldest on the file of this court and submit report on next date of hearing without fail.

For await report.

Call on 22.06.2026.

08.06.2026

**Civil Judge and JMFC.,
Kittur.**