

IN THE COURT OF THE II Addl. SR. CIVIL JUDGE, BALLARI

PRESENT: SMT. PRIYANKA T.K.
B.A.L. L.L.B. (Spl)
II Addl. Sr. CJ, Ballari ,

F.D.P.No.01 of 2021

Dated this 05th Day of JUNE 2026

Petitioners: -

1. Smt. Umadevi W/o Nenikappa, aged about 29 years,
Agriculturist, R/o Moka Gonal Village, Ballari Taluk and District.

(By Sri. G.B.R., Adovate)

//Vs//

Respondents:

1. Smt. Gowramma W/o Gangappa, aged about 66 years,
Agriculturalist, R/o Poppanahal Village, Siruguppa Taluk,
Ballari District.
2. Smt. Shanthamma W/o Mallappa, aged about 56 years,
Agriculturalist, R/o Araliganuru Village, Siruguppa Taluk,
Ballari District.

(R1 by H.H Advocate.)
(R2 exparte.

PRIYANKA T.K
II Addl. Sr. CJ, Ballari.
Sitting at Siruguppa

ORDER ON MAIN PETITION

The petitioners have filed this instant petition under Sec. 54 and 151 of Code of Civil Procedure praying the Hon'ble Court to draw final decree as per preliminary decree Dt.07.02.2020 passed in O.S. No.145/2019.

2. Brief facts of the case:

It is the case of the petitioner that petitioner had filed suit against the respondent for the relief of partition and separate possession in O.S. No. 145/2019. The said suit was decreed by judgment and decree Dt. 07.02.2020 there by petitioner were allotted 1/3rd share in item No.1 to 5 in the suit schedule as per schedule properties. Thereafter petitioners initiated instant final decree proceedings. The petitioners further stated that suit schedule properties being landed properties are required to be divided by appointing Siruguppa surveyor as Court commissioner. Thus petitioners pray to allow the petition by drawing final decree in terms of preliminary decree Dtd. 07.02.2020 passed in O.S. No. 145/2019.

3. In response to notice, respondent appeared through his counsel but not chosen to resist the petition filed by the petitioners. Respondents not filed objections to the main petition.

4. On the basis of petition and documents placed on record following points arise for my consideration.

1. Whether the petitioner is entitled to

relief as sought for?

2.What order?

5. Heard counsel appearing for petitioners. Perused documents placed on record.

6. My answers to the above points are as under :

Point No.1 : In the Affirmative

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

: R E A S O N S :

7. **Point No.1:** The instant petition is filed by the petitioner seeking demarcation of suit schedule properties as per preliminary decree Dt. 07.02.2020 passed in O.S. No. 145/2019. It is the case of the petitioners that suit filed by the petitioners against the respondent herein seeking the relief of partition and separate possession in O.S.No. 145/2019 has been decreed in their favour by allotting 1/3rd share in item No.1 to 5 in the suit schedule properties. The petitioner has produced certified copy of decree Dt. 07.02.2020 passed in O.S. No. 145/2019 wherein it is apparent that suit instituted by the petitioners herein has been decreed in favour of petitioner by allotting 1/3rd share in item No.1 to 5 in the suit schedule properties. Petitioner has filed memo to not press the relief on Item No.5 on 24-06-2022 as item No.5 petition schedule property is house property and the same is not feasible for partition, hence she voluntarily relinquished her share and

given-up item No.5. .

8. After initiation of this proceedings the Court has appointed Surveyor as Court commissioner to demarcate suit schedule properties which are landed properties. The surveyor being Court commissioners visited the spot, surveyed and divided the suit schedule properties and submitted report along with map.

9. Before considering the reports submitted by the Court commissioner. It is also relevant to note that the no appellate court has stayed the matter for proceedings. On perusal of certified copies respondents have not appeared to submit about appeal for staying the proceedings. Respondents not appeared to resist the petition.

10. I have carefully perused the reports of the Court commissioner. There is no irregularity in demarcation of suit schedule properties. In view of the same I find no impediment to accept the reports.

11. Siruguppa surveyor visited the spot and filed court commissioner report to the Court on 16-04-2025, which are prepared as per directions issued by this Court in terms of preliminary decree Dt. 07.02.2020 passed in O.S. No. 145/2019 In view of discussion made above, I am of the opinion that petitioners are entitled to final decree as sought for. Accordingly, I answer the Point No.1 in the Affirmative.

12.POINT NO.2:- As per above discussions, I proceed to pass the following :

: O R D E R :

The petition filed by the petitioners Under Sec. 54 of C.P.C. is hereby allowed.

Petitioner is allotted her 1/3rd share item No.1 to 4 schedule properties. As per court commissioner report and annexed sketch.

Block No.2 of court commissioner report of Siruguppa is allotted to the share of petitioner in item No.1 to 4 of petition schedule properties.

The Court Commissioner reports and annexed sketch shall form part and parcel of the final decree.

Draw final decree accordingly.

(Directly dictated to Typist on computer, typed and computerized by her, corrected and signed by me and then pronounced in the open Court on this the 05th day of June 2026).

PRIYANKA T.K
II Addl. Sr. CJ, Ballari sitting at
Siruguppa

Order pronounced in the open court

(Vide Separate)

: O R D E R :

The petition filed by the petitioners Under Sec. 54 of C.P.C. is hereby allowed.

Petitioner is allotted her 1/3rd share item No.1 to 4 schedule properties. As per court commissioner report and annexed sketch.

Block No.2 of court commissioner report of Siruguppa is allotted to the share of petitioner in item No.1 to 4 of petition schedule properties.

The Court Commissioner reports and annexed sketch shall form part and parcel of the final decree.

Draw final decree accordingly.

05-06-2026

II Addl. Sr. CJ, Ballari
Sitting at Siruguppa

