

KABI600025072024



IN THE COURT OF THE CIVIL JUDGE & JMFC
SANDUR

PRESENT

Sri. Md. Shaiz Chouthai, B.A.,LL.B. (Hons.), LL.M,(M.L.)

Civil Judge & JMFC., Sandur

Dated: 14th day of August 2026

F.D.P. No.04/2024

Plaintiff/s : 1. Smt. Hanumakka,
/ Petitioners W/o Late Kariyappa,
D/o Late Hanumanthappa,
Aged about 60 years,
Occ; Agriculturist,
R/o Taluru village,
Sandur Taluk, Ballari District.

2. Smt. Dodda Huligemma,
W/o Ambanna,
D/o Late Hanumanthappa,
Aged about 57 years,
Occ; Agriculturist,
R/o Taluru village,
Sandur Taluk, Ballari District.

3. Smt. Sanna Huligemma,
W/o Late Mareppa,
D/o Late Hanumanthappa,
Aged about 55 years,
Occ: Agriculturist,
R/o Taluru village,
Sandur Taluk, Ballari District.

(By Sri.A.V.K., Advocate)

V/s

**Defendant/s :
/ Respondent/s**

1. N. Mudiyyappa,
S/o Late Buda Kariyappa,
Aged about 55 years,
Occ: Agriculturist,
R/o Taluru village,
Sandur Taluk, Ballari District.
2. Hulyappa,
S/o Late Buda Kariyappa,
Aged about 42 years,
Occ: Agriculturist,
R/o Taluru village,
Sandur Taluk, Ballari District.
3. Honnuraswamy,
S/o late Valmiki Hanumanthappa,
Aged about 36 years,
Occ; Agriculturist,
R/o Taluru village,
Sandur Taluk, Ballari District.
4. Kariyappa,
S/o late Valmiki Hanumanthappa,
Aged about 32 years,
Occ; Agriculturist,

R/o Taluru village,
Sandur Taluk, Ballari District.

(R-1 to 4 by Sri. G.M. Advocate)

ORDER

The present final decree proceedings initiated on the directions issued while passing judgment and preliminary decree in O.S. No.49/2022 Dt. 20.06.2024.

2. The brief facts of the petitioner's case are as follows:-

The petitioner No.1 to 3 had instituted suit in O.S. No.49/2022 against the respondent No.1 to 4 seeking share in plaint schedule property. This Court by its judgment and decree, dated 20.06.2024 decreed the suit of plaintiffs by allotting $\frac{1}{2}$ share in favour of petitioners and $\frac{1}{2}$ share in favour of respondents. Though the respondents have submitted that they have filed appeal in R.A. No. 137/2025 but there is no stay in the proceedings. As such, this court has no restrictions to proceed further with the petition.

3. After service of Court process, the respondent no.1 to 4 appeared through their learned counsel.

4. This Court by its order dated 22.08.2025 appointed Taluka Surveyor, Sandur, as a Court Commissioner to carry out commission work in terms of preliminary decree in respect of landed property bearing Sy. No.17, measuring 12.51 acres, situated at Talur village, Sandur taluk. Similarly, the court appointed PDO, Gram Panchayath, Talur as Court commissioner to carryout commissioner work by preparing scheme for partition in respect of house property bearing No.358, measuring 30 X 24 feet, situated at Talur village, Sandur taluk. After issuance of commissioner warrant, commission work came to be conducted in respect of plaint schedule properties. The Surveyor-Court Commissioner submitted its report on 15.10.2025. Similarly, the PDO, Gram Panchayath submitted his report on 08.01.2026.

5. The learned Counsel for petitioners and respondents have not filed any objections to the Commissioner Report.

6. Heard the learned Counsel for the petitioners.
Perused the main petition, preliminary decree, Commissioner Report and Court records.

7. The following points arise for my consideration:-

1. Whether the proposal / scheme prepared by the Court Commissioner in their report in respect of the suit properties is just and equitable?
2. Whether the petitioners are entitled to the final decree in this petition?
3. What order or decree?

8. My answer to the above points is as under:-

- Point No.1: In the Affirmative
Point No.2: In the Affirmative
Point No.3: As per the final order
for the following:-

REASONS

9. **POINT NO.1:-** The Court Commissioner report discloses that the Taluka Surveyor, Sandur has proposed to allot $\frac{1}{2}$ share of petitioners in Block No.1 to the extent of 6.25 acres in

land Sy.No.17, situated at Talur Village, Sandur Taluk. Similarly, he has proposed to allot another $\frac{1}{2}$ share to respondent No.1 to 4 at Block No.2 to the extent of 6.25 acres in land Sy.No.17, situated at Talur Village, Sandur Taluk.

10. The Court Commissioner report filed by PDO, Gram Panchayath, Talur, discloses that he has proposed to allot $\frac{1}{2}$ share of petitioners in Block No.1 to the extent of 30 X 12 feet in house No.358, situated at Talur Village, Sandur Taluk. Similarly, he has proposed to allot another $\frac{1}{2}$ share to respondent No.1 to 4 at Block No.2 to the extent of 30 X 12 feet in house No.358, situated at Talur Village, Sandur Taluk.

11. The petitioners and respondents have not raised any objections to the Commissioner Reports. As observed above, this Court has passed preliminary decree and allotted $\frac{1}{2}$ share to the petitioners and $\frac{1}{2}$ share to the respondents. The report filed by the Commissioner appears to be just and proper. Therefore, the Commissioner Reports are deserves to be accepted. Accordingly, I answer point No.1 in the **Affirmative**.

12. **POINT NO.2:-** Since the allotment of property to the share of the petitioners and respondents proposed by Court Commissioners in their report is just and reasonable such proposal can be accepted by this Court and there is no hurdle to pass the final decree as prayed for in this petition in accordance with proposal made by Court Commissioners. Accordingly, I answer Point No.2 in the **Affirmative**.

13. **POINT NO.3:-** In view of my above discussion I proceed to pass the following:-

O R D E R

The Court Commissioner Report submitted by Taluka Surveyor, Sandur - Court Commissioner is hereby accepted.

The Court Commissioner Report submitted by PDO, Gram Panchayath, Talur - Court Commissioner is also accepted.

The petitioners are allotted the portion of property at Block No.1 to the extent of 6.25 acres in land Sy.No.17, situated at Talur Village, Sandur Taluk.

The respondents are allotted the portion of property at Block No.2 to the extent of 6.25 acres in land Sy.No.17, situated at Talur Village, Sandur Taluk.

The petitioners are allotted the portion of property at Block No.1 to the extent of 30 X 12 feet in house No.358, situated at Talur Village, Sandur Taluk.

The respondents are allotted the portion of property at Block No.2 to the extent of 30 X 12 feet in house No.358, situated at Talur Village, Sandur Taluk.

The Court Commissioner Report, Sketch shall be treated as part and parcel of final decree.

In view of facts and circumstances of the case and relationship between the parties there is no order as to costs.

Draw final decree accordingly if requisite stamp duty is paid.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the open Court, on this the 14th of August 2026)

(Md. Shaiz Chouthai)
Civil Judge & JMFC, Sandur.