



**IN THE COURT OF SENIOR CIVIL JUDGE AND
J.M.F.C., AT CHINTAMANI.**

Dated this the 27th day of April 2026

PRESENT

Smt. GEETHANJALI

B.A., LL.B.,

SENIOR CIVIL JUDGE AND J.M.F.C., CHINTAMANI.

F.D.P.NO.06/2019

Petitioners:

1. Smt. K.R. Vijayamma,
D/o N. Rangacharlu,
Aged about 44 years,
R/at Panasachowdanahalli Village,
Kasaba Hobli,
Chintamani Taluk,
Chikkaballapur District.

2. Smt. R.Shanthamma,
D/o N.Rangacharlu,
aged about 40 years,
R/o Munganahalli Village,
Chintamani Taluk,
Chikkaballapur District.

3. Smt. Aruna
D/o N.Rangacharlu,



Aged about 38 years,
R/o Harinaganahalli Village,
Thoradevada post,
Holur Hobli,
Kolar Taluk.

(By Sri.S.R.B., Advocate)

V/s

Respondents:

1. Sri. Janardhan,
S/o N.Rangacharlu,
Aged about 26 years,
2. Smt. Sumithramma,
W/o Late. Rangacharlu,
Aged about 61 years,
Both are r/o
Bilanadlahalli Village,
Kadadanamari Post,
Chintamani Taluk.

(R.1 & 2 by Sri. K.R.M.,Advocate)

ORDERS

The petitioners have filed this petition U/O 20 Rule 18
r/w Sec.54 of CPC to pass final decree with respect to the
suit property for effecting of partition by metes and bounds.



2. Brief facts of the petition:- In the petition it is stated by the petitioners that ,The Petitioner No:1 to 3 herein are plaintiff no: 1 to 3 in O.S No: 11/2023 which is filed for partition. The defendant No:2 in O.S No:11/2013 Smt. Sumithramma who is mother of petitioners and respondent No:1 of this case. This court has partly decreed the suit of the plaintiffs. Hence this petition is filed for effecting the partition as per preliminary decree as the petitioners are entitled for 1/4th share in suit item no: 1, 2 and 8 only. That the plaintiffs have filed the suit in O.S No: 11/2013 on the file of this court for partition as per preliminary decree as the petitioners are entitled for 1/4th share in O.S No: 11/2013 on the file of this in the suit schedule partition and separate possession of 1/4th share each in the suit schedule properties against the defendants. This court has partly decreed that the prayer of plaintiffs for suit item no: 3 to 7, 9 to 12 is dismissed and the suit declaring that plaintiffs are entitled for 1/4th share each in the suit item no: 1, 2 and 8 in favour of these plaintiffs in the plaint schedule properties. Thus the judgment and decree passed by this court passed on 08-07-2019 and the



defendants have not preferred any appeal against the judgment and decree of this court dated 08-07-2019. As the same is not challenged before any appellate authorities. Thus in view of preliminary decree passed by this court it is necessary to divide the schedule properties as per preliminary decree by metes and bounds. Hence this petition is filed for passing final decree.

2(a). They have preferred appeal against the judgment and decree passed in O.S No: 11/2013 before the hon'ble District Court at Chintamani in R.A No: 119/2019. The hon'ble District has modified judgment and decree of this hon'ble court that the plaintiffs are not entitled to share in the suit item no:8 and the plaintiffs are entitled for 1/5th share only in the suit item no: 1 and 2 instead of 1/4th share. Therefore, the petitioners pray to allow the petition as sought in the petition.

3. In pursuance of notice, the respondent no.1 and 2 appeared before the court through their counsel Sri. K.R.M., Advocate. This court has appointed the court commissioner



order dated 24-04-2024 accordingly the court commissioner submitted report dated 07-11-2024 and the same was objected by the respondent no.1 and 2. on the ground that, the rank of the plaintiff not shown correctly and the commissioner shown in the tabular form in the serial no.3 to 5 instead of showing plaintiff no.3 defendant no.1 and 2 he had shown defendant no.1 to 3 which is confusing hence prays to reject the same.

4. Heard the arguments. Perused the petition averments and evidence on record. The points for consideration are as follows:-

1. Whether the petitioners have made out sufficient ground to allow the petition?

2. What order or decree?

6. My answers to the above points are as follows:-

Point NO.1 : In the Affirmative;

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



REASONS

7. **POINT NO.1:** - This is the final decree petition arise from preliminary judgment and decree in O.S.11/2013 dated 08-07-2019 and this court by its order dated 24-04-2024 appointed the Taluk surveyor Chintamani as court commissioner to effect the partition in accordance with preliminary decree in O.S.11/2013 dated 08-07-2019 issued commission warrant, thereafter court commissioner has submitted his report 07-11-2024 the same was objected by the respondent no.1 and 2.on the ground that, the rank of the plaintiff not shown correctly and the commissioner shown in the tabular form in the serial no.3 to 5 instead of showing plaintiff no.3 defendant no.1 and 2 he had shown defendant no.1 to 3 which is confusing hence prays to reject the same.

8. And I have gone through the commissioner report reflects that the court commissioner before effecting division are the suit schedule property got issued notice to the both parties and effected the division in compliance of preliminary decree in



O.S.11/2013 dated 08-07-2019 to which both plaintiff and defendant were present at this spot and depicted their signature to the mahazar which shows their consent to the said report and the commissioner has also submitted the to sketches with respect to item no.1 and 2 of petition schedule property as declared in the preliminary decree in O.S.11/2013 dated 08-07-2019 , of course as rightly contented by the respondent counsel the court commissioner in the both sketches of item no.1 and 2 of petition schedule properties as shown in the tabular form pertains to in serial. no. 3 rather than mentioning “plaintiff no.3” he mentioned the “defendant no.1” and shown the ranking of defendant no.1 and 2 as defendant no.1 to 3 which is purely typographical error it can be rectified by treating the word “defendant no.1” in sl.No.3 of both sketches as “plaintiff no.3” . Therefore the report submitted by the court commissioner is found in accordance with law accordingly, this court is of the opinion that, the commissioner report is in accordance of preliminary decree in O.S.11/2013 dated 08-07-2019 and the block no.3 as shown in the both sketches herein after



treated as allotted to the plaintiff no.3 and the rank of defendant no.2 and 3 as shown in column no.4 and 5 of the both sketches , is hereby rectified as defendant no.1 and 2. Hence I'am satisfied and I answered point no. 1 in the affirmative.

10. POINT NO.2: For the above-discussed reasons, I proceed to pass the following;

ORDER

Petition filed by the petitioners U/o 20 Rule 18 r/w Sec.151 of CPC is hereby allowed.

The commissioner report dated 07-11-2025 is hereby accepted and parties are entitled for the share as shown in the commissioner report and Sl.No.3 and block no.3 of both sketches will be hereinafter **treated as allotted to plaintiff no.3** rather than defendant no.1 and **the rank of defendant no.2 and 3 as shown in**



column no.4 and 5 of the both sketches
, is hereby rectified as defendant no.1
and 2 , the commissioner report shall be
the part and parcel of the decree.

Draw final decree accordingly.

(Dictated to the stenographer on computer directly, corrected by
me and then pronounced by me in the open court on this 27th
day of April 2026)

Sd/-
(G.Geethanjali)
Senior Civil Judge and
J.M.F.C., Chintamani.