

KADW050061022023



Presented on : 09-10-2023
Registered on : 11-10-2023
Decided on : 09-07-2026
Duration : 2 years, 9 months, 0 days.

**IN THE COURT OF IV ADDL. SENIOR CIVIL JUDGE &
J.M.F.C., DHARWAD**

Present : **SRI.RANGASWAMY J,**
B.A.L., LL.M.,
IV Addl. Senior Civil Judge,
& J.M.F.C., Dharwad.

FDP No.52/2023

THIS THE 9th DAY OF JULY 2026

- Petitioners:**
1. Fakkirawwa W/o Karaveerappa Ganiger
Age: 90 years, Occ: Household,
R/o: Pyati Oni, Narendra, Tq & Dist:Dharwad.
 2. Mahadevappa S/o Karaveerappa Ganiger
Age: 54 years, Occ: Agriculture,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.
 3. Neelawwa w/o Late Nagappa Ganiger
Age: 50 years, Occ: Household,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.
 4. Shivalila W/o Parameshwar Ganiger
Age: 28 years, Occ: Household,

R/o: Ayati Oni, Tq: Navalgund,
Dist:Dharwad.

5. Surekha W/o Mailar Ganiger
Age: 26 years, Occ: Household,
R/o: Shirakol, Tq: Navalgund,
Dist:Dharwad.
6. Shivaputrappa S/o Late Nagappa Ganiger
Age: 26 years, Occ: Agriculture,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.
7. Shrishail S/o Late Nagappa Ganiger
Age: 19 years, Occ: Agriculture,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.

(R/by Sri.S.B.Navalur, Adv)

V/S

- Respondents:**
1. Rudrawwa W/o Late Shivappa Ganiger
Age: 54 years, Occ: Household,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.
 2. Veerabhadrappe S/o Late Shivappa Ganiger
Age: 29 years, Occ: Agriculture,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.
 3. Basappa S/o Late Shivappa Ganiger
Age: 26 years, Occ: Agriculture,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.

4. Nagaratna D/o Late Shivappa Ganiger
Age: 24 years, Occ: Household,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.
5. Irappa S/o Basappa Ganiger
Age: 50 years, Occ: Agriculture,
R/o: Pyati Oni, Narendra, Dharwad.
6. Neelawwa W/o Kalappa Meti
Age: 60 years, Occ: Household,
R/o: Chikkumbi, Tq: Savadatti,
Dist:Belgaum.
7. Yallawwa W/o Mahadevappa Ganiger
Age: 58 years, Occ: Household,
R/o: Pyati Oni, Narendra,
Tq & Dist:Dharwad.
8. Neelawwa W/o Late Nagappa Ganiger
Age: 52 years, Occ: Household,
R/o: Marewad, Near Govt High School,
Tq & Dist:Dharwad.
9. Laxmi W/o Channappa Savanur
Age: 28 years, Occ: Household,
R/o: Narayanpur, Tq: Shigaon,
Tq & Dist:Haveri.
10. Yallawwa W/o Nagappa Ganiger
Age: 26 years, Occ: Household,
R/o: Ganjigatti, Tq:Kalaghatagi,
Dist:Dharwad.
11. Manjula D/o Late Nagappa Ganiger
Age: 20 years, Occ: Student,
R/o: Marewad, Near Govt High School,
Tq & Dist:Dharwad.
12. Nirmala D/o Late Nagappa Ganiger

Age: 18 years, Occ: Student,
R/o: Marewad, Near Govt High School,
Tq & Dist:Dharwad.

13. Savakka D/o Late Nagappa Ganiger
Age: 15 years, Occ: Student,
R/o: Marewad, Near Govt High School,
Tq & Dist:Dharwad.

14. Savita D/o Late Nagappa Ganiger
Age: 13 years, Occ: Student,
R/o: Marewad, Near Govt High School,
Tq & Dist:Dharwad.

15. Adivappa S/o Laxman Neginhal
Age: 50 years, Occ: Agriculture,
R/o: Doddanayakankoppa,
Tq & Dist:Dharwad.

(That the defendant No.13 & 14 are minors
R/by their minor guardian and natural
mother i.e., defendant No.8)

(D1 to 5, 7 & 12 Absent)

(D8 to 11, 13, 14 R/by Sri.H.S.R, Adv)

(D15 R/by Sri.R.G.H, Adv)

-.ORDERS:-

This petition is filed under Order XX Rule 18 of CPC prayed to pass final decree as per preliminary decree passed in OS No.199/2019 dated 05-11-2022. As per decree, plaintiffs and defendants No.8 to 14 together entitled half share in the suit schedule properties and defendant No.1 to 7 together entitled

half share in the suit schedule properties. Thereby sought to draw the final decree by appointing court commissioner to effect partition by metes and bounds.

2. On the contrary, respondents No.8 to 11, 13 & 14 and respondent No.15 appeared through their respective counsel, but not filed any objection.

3. As per the submissions made by the rival parties, this Court has appointed ADLR, Dharwad as court commissioner to demarcate the suit properties in respect of agricultural lands, accordingly, commissioner after commissioner work filed his report. However, either of the parties filed any objection to said report and counsel for the petitioners submitted no objection to the commissioner report.

4. Heard and perused the material on record.

5. The following points that would arise for my consideration:

- 1. Whether the final decree has to be drawn as per the demarcation made by the court commissioner?***

2. What order?

6. My finding to the above points as under:

Point No.1 : In the Affirmative

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

: REASONS :

7. **Point No.1:-** The petitioners/plaintiffs herein had filed suit for declaration, partition and separate possession against the respondents/defendants by claiming their legitimate share over the suit properties in OS No.199/2019 before this Court. Accordingly said suit came to be decreed by declaring half share each to plaintiffs and defendants No.8 to 14 in the suit properties and half share each to defendants No.1 to 7 in the suit properties. Accordingly preliminary decree was also drawn. Therefore this Court has appointed ADLR, Dharwad as court commissioner to demarcate the petitioners share and partition the agricultural properties. Thereafter, court commissioner by issuing necessary notice to all the parties conducted the commissioner work and filed his report before this Court. Hence I am of the opinion that there is no legal impediment to

accept the same and allot the same to the parties. Hence, I answer point No.1 **“in the Affirmative”**.

8. Point No.2: In view of the finding given on above points, facts and circumstances, I proceed to pass the following:

: O R D E R :

The petition filed under Order XX Rule 18 of CPC is hereby allowed.

It is declared that, plaintiffs/petitioners and defendants No.8 to 14 are together entitled half share in the suit schedule properties and defendant No.1 to 7 together entitled half share in the suit schedule properties as per the demarcation made in the commissioners report.

The commissioner report is treated as part and parcel of the petition.

Office to draw final decree accordingly.

The parties shall bear their own cost.

(Dictated to the Stenographer transcribed, computerized by him, corrected and order is pronounced in the open court on the 9th day of July 2026)

(Rangaswamy J)
IV Addl. Senior Civil Judge
& JMFC., Dharwad.

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For Order
09-07-2026

(Order pronounced in the open Court vide separate Judgment)

ORDER

The petition filed under Order XX Rule 18 of CPC is hereby allowed.

It is declared that, plaintiffs/petitioners and defendants No.8 to 14 are together entitled half share in the suit schedule properties and defendant No.1 to 7 together entitled half share in the suit schedule properties as per the demarcation made in the commissioners report.

The commissioner report is treated as part and parcel of the petition.

Office to draw final decree accordingly.

The parties shall bear their own cost.

(Rangaswamy J)
IV Addl. Senior Civil Judge
& JMFC., Dharwad.