



**IN THE COURT OF THE CIVIL JUDGE & JMFC.,  
KALAGHATAGI**

Present: Sri. G. Sanjeev Kumar MBA. LL.B.  
Civil Judge & JMFC.,  
Kalaghatagi.

**Dated this the 28<sup>th</sup> of MARCH 2026**

**FDP No.15/2023**

**Petitioner**

Smt. Iravva W/o. Yallappa Shambenavar  
Age: 50 years, Occ: House work  
R/o. Malakankoppa village,  
At present: Bammigatti, Tq: Kalaghatagi,  
Dist: Dharwad.

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

Vs.

**Respondents**

- 1 Irappa S/o. Shivappa Kamadolli  
Age: 45 years, Occ: Agriculture,  
R/o. Bammigatti village,  
Tq: Kalaghtagi, Dist: Dharwad.
- 2 Manjappa W/o. Shivappa Kamadolli  
Age: 43 years, Occ: Agriculture,  
R/o. Bammigatti village,  
Tq: Kalaghtagi, Dist: Dharwad..
- 3 Chanabasappa S/o. Shivappa Kamadolli  
Age:41 years, Occ: Agriculture,  
R/o. Bammigatti village,  
Tq: Kalaghtagi, Dist: Dharwad..

- 4 Smt. Shashikala D/o. Shivappa Kamadolli  
Age: 38 years, Occ: House work,  
R/o. Bammigatti village,  
Tq: Kalaghatagi, Dist: Dharwad.
- 5 Somaningappa S/o. Ningappa Kamadolli  
Age: 55 years, Occ: Agriculture,  
R/o. Bammigatti village,  
Tq: Kalaghatagi, Dist: Dharwad.
- 6 Smt. Chanabasappa W/o. Virupakshappa  
Hosavakkal,  
Age: 70 years, Occ: House work,  
R/o. Bammigatti village,  
Tq: Kalaghatagi, Dist: Dharwad.
- 7 Smt. Mahadevi W/o. Basappa Gopali  
Age: 55 years, Occ: Agriculture,  
R/o. Bammigatti village,  
Tq: Kalaghatagi, Dist: Dharwad.
- 8 Smt. Mahadevi W/o. Gurulingappa Kamadolli  
Age: 55 years, Occ: Agriculture,  
R/o. Bammigatti village,  
Tq: Kalaghatagi, Dist: Dharwad.
- 9 Sri. Irappa S/o. Gurulingappa Kamadolli  
Age: 40 years, Occ: Agriculture,  
R/o. Bammigatti, Tq: Kalaghatagi,  
Dist: Dharwad.
- 10 Smt. Ratnavva D/o. Gurulingappa Kamadolli  
Age: 36 years, Occ: Agriculture,  
R/o. Bammigatti, Tq: Kalaghatagi,  
Dist: Dharwad.
- 11 Basamma W/o. Irappa Kittur  
Age: 40 years, Occ: Agriculture,

R/o. Bammigatti village,  
Tq: Kalaghatagi, Dist: Dharwad.

- 12 Mahantesh S/o. Gurulingappa Kamadolli  
Age: 38 years, Occ: Agriculture,  
R/o. Bammigatti village,  
Tq: Kalaghatagi, Dist: Dharwad.

**(R1 to 12 Absent)**

**ORDER**

The petitioner has filed the instant petition against the respondents for allotment of 1/5 share and for drawing up of final decree as per preliminary decree passed in O.S.No.33/2019 dated 12.07.2023.

2. It is averred in the petition that, the petitioner had filed a suit in O.S.No.33/2019 on the file of this court for partition and separate possession of her 1/5 share in the petition schedule properties and same was decreed on 12.07.2023 and it was declared that the plaintiff was entitled for 1/5th share in the suit schedule properties. It is further stated that the respondents have not parted

with the petitioner's share as per the preliminary decree which constrained her to present the instant petition.

3. The respondents have not appeared either personally or through their counsel. Consequently, respondents were considered as absent before the Court.

4. Thereafter, on an application filed by the petitioner, The Tahasildar, Kalaghatagi was appointed as Court Commissioner for demarcation of properties as per the preliminary decree passed in O.S.No.33/2019 dated 12.07.2023 and report was secured on 05.01.2026. The learned counsel for petitioner submitted that the petitioner has no objections to the report. The respondents remained absent before the Court.

5. Heard arguments advanced by the learned counsel for the petitioner and this Court has perused petition, report of Court Commissioner and other

materials on record. Having regard to the entire materials on record the following points would arise for determination of this Court:

### **POINTS**

1. Whether the petition filed by the petitioner/plaintiff U/o.20 Rule 18 of CPC deserves to be allowed?
2. What order?

### 6. **FINDINGS**

Having regard to the entire materials on record this Court answers Point No.1 in the **Affirmative** and Point No.2 as per final order for the following:

### **REASONS**

7. **Point No.1**: The petitioner has filed the instant petition against the respondents seeking allotment of 1/5th share and for drawing up of final decree as per preliminary decree passed in O.S.No.33/2019 dated

12.07.2023. This Court perused the copy of judgment and decree passed in O.S.No.33/2019 dated 12.07.2023 and the report submitted by the learned court Commissioner.

8. As per the preliminary decree the petitioner is allotted with  $\frac{1}{2}$  share in the suit schedule properties. The respondents have remained absent. The Commissioner has submitted the report of feasibility of partition. The Commissioner has divided the suit schedule properties and prepared the sketch. The feasibility of partition is done with metes and bounds. Hence, this court is of the opinion that, it is just and necessary to draw up final decree as per the report and sketch submitted by the Commissioner. Thus this Court answer Point No.1 in the **Affirmative**.

9. **Point No.2**: In view of discussion made on Point No.1, this Court proceeds to pass the following:

**ORDER**

The petition filed by the petitioner U/o. 20 Rule 18 of CPC is hereby allowed with costs.

Block No.1 of Sy.No.28, Block No.1 of Sy.No.29. Block No.5 in Sy.No.241, Block No.1 of Sy.No.277/1 and Block No.5 of Sy.No.287 as represented in the P T Sheet annexed to the Commissioner report are allotted to the plaintiff.

Block No.2 of Sy.No.28, Block No.2 of Sy.No.29. Block No.4 in Sy.No.241, Block No.2 of Sy.No.277/1 and Block No.4 of Sy.No.287 as represented in the P T Sheet annexed to the Commissioner report are allotted to the defendant No.1.

Block No.3 of Sy.No.28, Block No.3 of Sy.No.29. Block No.3 in Sy.No.241, Block No.3 of Sy.No.277/1 and Block No.3 of Sy.No.287 as represented in the P T Sheet annexed to the Commissioner report are allotted to the defendant No.2.

Block No.4 of Sy.No.28, Block No.4 of Sy.No.29. Block No.2 in Sy.No.241, Block No.4 of Sy.No.277/1 and Block No.2 of Sy.No.287 as represented in the P T Sheet annexed to the

Commissioner report are allotted to the defendant No.3.

Block No.5 of Sy.No.28, Block No.5 of Sy.No.29. Block No.1 in Sy.No.241, Block No.5 of Sy.No.277/1 and Block No.1 of Sy.No.287 as represented in the P T Sheet annexed to the Commissioner report are allotted to the defendant No.4.

The division of the property as made represented in the PT sheet annexed to the Commissioner report shall be read as part of the final decree.

The petitioner and respondents are directed to pay necessary stamp duty to draw up the final decree.

The sketch prepared by the Taluk Surveyor in respect of petition schedule properties shall form part and parcel of this final decree.

Office is hereby directed to draw up final decree accordingly.

*(Dictated to the stenographer, typed and print out taken by her, corrected by me and then pronounced in the open court on this **28<sup>th</sup> day of March 2026**)*

**(G. Sanjeev Kumar)  
Civil Judge & JMFC.,  
Kalaghatagi.**