

IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC., RON

Present: **Sri. S. Chinnaswamy,**
B.A., L.L.B.,
Senior Civil Judge & JMFC, Ron

DATED THIS THE 09TH DAY OF AUGUST- 2023

FDP No. 05/2018

PETITIONERS:

1. Annapurna @ Annappa W/o Suresh
Kongavadamath,
Age: 52 Years, Occ: Agriculture,
R/o Behind Dyamappa Temple,
Badami, Tq:Badami, Dist:Bagalkot
2. Shantappa @ Savitrappa W/o Sharanappa
Hiremath,
Age:54 Years., Occ:Agriculture,
R/o Basarakod, P.O:Holehadagali,
Tq:Ron, Dist:Gadag.
3. Smt. Gourappa W/o Rudrappa
Balaganurmath,
Age:60 Years., Occ:Agriculture,
R/o Belavanaki, Tq:Ron, Dist:Gadag.

(By Sri. K.G.U, Advocate)

V/S

RESPONDENTS:

1. Siddalingappa S/o Basappa Mannurmath,
Age: 48 years, Occ: Agriculture,
R/o: Mallapur, Tq : Ron.
2. Veerappa @ Irappa W/o Shankappa
Sadashivapetmath, Age: 69 years,
Occ : Agriculture, R/o : Shiddalingeshwar Nagar
4th Cross, Gadag.

3. Akkamahadevi W/o Kalakayya Hiremath,
Age: 66 years, Occ: Agriculture,
R/o: Basarakoda, Tq: Ron.
4. Gangavva W/o Chandrashekharayya Hiremath,
Age: 60 years, Occ: Agriculture,
R/o: Emmiganur, Laxmipur
Tq : Kuragod, Dist : Ballari.
5. Andanayya S/o Shiddalingayya Mannurmeth,
Age: 23 years, Occ: Student,
R/o: Mallapur, Tq: Ron, Dist: Gadag.

(Respondent No. 1 to 5 by M.A.P
Advocate)

::ORDERS ::

Orders on petition filed Under order 20 Rule 18 of CPC

2. It is case of the petitioner that they had filed suit in O.S.No.48/2014, for relief of partition and separate possession, the said the suit is came to be decreed on 02-01-2018 and in respect of suit schedule properties as per the judgment and decree the respondents have not challenged the judgment and decree. Hence, this petition pray for allow the petition.

3. On the other hand the respondent No.1 filed his objection, wherein he has filed R.A.No. 07/2018 on the file of Hon'ble District and Sessions Court Gadag it is still pending hence till disposal of the above appeal petition is not maintainable. Hence pray for dismissed the petition.

4. After considering the judgment and decree, this court has appointed ADLR Ron and Badami and advocate commissioner Sri S.L.Dandin for demarcating the suit schedule properties in terms of decree the ADLR Ron and Badami have demarcate the decreed properties and submitted their report on 30-04-2022, 02-01-2023 , 30-11-2022. Both the parties have not the filed objection to commissioner report. Hence, posted for orders.

5. On considering the commissioner report the commissioner has allotted and divided properties as Hissa No.1 to 7 in respect suit schedule properties and moreover the judgment and decree of this court in O.S.No. 48/2014 is attained finality no stay order from the appellant court.

6. After considering the commissioner report in order to meet ends of justices and equity it is just and necessary to allot the following properties to the petitioners and respondents as follows. Accordingly, this court proceeds to pass the following:-

::ORDER::

The property item No. 1 to 12 have been divided into 7 share. The property mentioned in the commissioners reports and sketch maps part-I to III are allotted to petitioner No.

1 to 3.

The properties part No-IV to VII are allotted to respondent No. 1 to 4 as per order made in judgment and decreed in O.S.No.48/2014 the Commissioner reports and Sketchs, maps are shall be part and parcel of the final decree.

Draw final decree accordingly.

(Dictated to the Stenographer, transcribed by him and corrected by me and then pronounced in the Open Court on 09/08/2023)

(S. Chinnaswamy)
Senior Civil Judge and J.M.F.C.,
Ron.