



IN THE COURT OF PRL CIVIL JUDGE AND JMFC.,

SAKALESH PURA

:Present:

SRI. LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

Prl. Civil Judge & JMFC., Sakaleshpura

Dated : 29th Day of October, 2025

F.D.P. NO.1/2020

Petitioners : Madhura and another
V/s

Respondents : Lalithamma & others

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**ORDERS ON APPLICATION FILED BY THE PETITIONERS
UNDER ORDER 20 RULE 18(2) R/W SECTION 151 OF C.P.C**

The petitioners have filed this application under order 20 Rule 18(2) R/w Section 151 of CPC to modify the preliminary decree and re-apportion the share of the parties in view of death of respondent No.4.



2. In the affidavit, annexed along with application, petitioner No.1 has stated that they have filed the present Final Decree Proceeding petition seeking to draw final decree in terms of preliminary decree passed in O.S.No.147/2011 dated 23.01.2019. Further she has contended that, respondent No.4 died intestate and he has no any legal heirs other than the parties to the petition. Hence, it is very much necessary to modify the preliminary decree by allotting the share to the petitioners and respondents. Accordingly, prayed to allow the application.

3. Respondent No.5 has filed objections and contended that respondent No.4 Smt. Manjula died on 26.07.2015. Both the parties have not challenged the decree passed in OS No.147/2011 dated 23.01.2019, allotting 1/6th share over the suit schedule properties. As respondent No.4 died leaving behind the parties to the petitioner as her legal heirs, respondent No.5 is entitled to



1/5th share in the suit schedule properties. Accordingly, prayed to allow the share.

4. Heard arguments.

5. In light of the above contentions, the infra points that would arise for the determination.

1. “Whether petitioners have made out a case to modify the preliminary decree passed in O.S.No.147/2011?

2. What order?

6. My findings on the above points are 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 herein had filed a suit vide O.S.No.147/2011 for the relief of partition and separate



possession in respect of suit schedule properties against the respondents herein. It is decreed that the petitioners and respondent herein are entitled to 1/6th share each, in the suit schedule Item No.1 to 8, 11 and 12 properties. Now the petitioners have contended that, respondent No.4 died intestate. Respondent No.5 has also admitted the said contention and submitted to allot their share.

8. It is to note here that, there is no bar to draw as many as preliminary decrees under the provisions of law. In view of the above reasons application filed by the petitioners deserve to be allowed. Accordingly, point No.1 is answered in the ***Affirmative.***

9. **Point No.2:** In view of the above findings and point No.1, I proceed to pass the following:



::ORDER::

The application filed by the petitioners for modification of preliminary decree passed in O.S.No.147/2011 is hereby allowed.

The petitioners herein I.e, plaintiffs in O.S.No.147/2011 are entitled to 1/5th share in the suit schedule Item No. 1 to 8, 11 and 12 properties.

The Respondents I.e, defendant No. 1, 2, 5 and 6 in O.S.No.147/2011 are entitled to 1/5th share each in the suit schedule Item No.1 to 8, 11 and 12 properties.

Office to draw fresh preliminary decree.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 29th day of October, 2025]

[Lakshmi Narasimha R.V.]
Prl. Civil Judge and JMFC.,
Sakaleshpura.