



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AT HIREKERUR**

:PRESENT: Parashuram F. Doddamani,
M.A.,L.L.M.,
Sr. Civil Judge & JMFC,
Hirekerur.

Dated this the 7th day of July 2026

FDP. NO.8/2023

[O.S.No.97/1995]

Petitioners:- Plaintiffs	1	Shivanandappa S/o Ujanappa Kavali Age: 65 years, Occ: Agriculture, R/o Hirekerur, Tq: Hirekerur, Now R/o Mallenahalli, Tq: Shikaripur, Dist: Shivamogga.
	2	Parmeshwarappa S/o Shivanagouda Age: 64 years, Occ: Agriculture R/o: Sunaklbidari, Tq: Ranebennur, Dist: Haveri.
	3	Rekha D/o Parmeshwarappa Kudapali Age:27 years, Occ: Household work, R/o: Sunaklbidari, Tq: Ranebennur, Dist: Haveri.
	4	Arunkumar S/o Parmeshwarappa Kudapali Age: 31 year, Occ: Driver, R/o Sunakalbidari, Tq: Ranebennur, Dis: Haveri.
(By B.M. Holeyappanavar, Advocate)		
V/s.		
Respondents Defendants:-	1	Parmeshwarappa S/o Ujanappa Kavali Age: 56 year, Occ: Agriculture, R/o Hirekonati, Tq: Hirekerur, Dist: Haveri



	2	Gouravva W/o Hanumantappa Balambeed Age: 80 year, Occ: House Hold work, R/o Mallenahalli, Tq: Shikaripur, Dist: Shimogga
	3	(Iravva W/o Shivmutreppa Belalakoni Age: 80 year, Occ: House Hold work, R/o. Mallenahalli, Tq: Shikaripur, Dist: Shimogga. Deceased by her LRS
	3a	Shivmutreppa S/o Rudrappa Belalakoni Age: 76 year, Occ: Agriculture, R/o Divegihalli, Tq: Hirekerur, Dist: Haveri.
	3b	Subhash S/o Shivmutreppa Belalakoni Age: 51 year, Occ: Agriculture, R/o Divegihalli, Tq: Hirekerur, Dist: Haveri.
	3c	Ramesh S B S/o Shivmutreppa Age: 47 year, Occ: Agriculture, R/o Divegihalli, Tq: Hirekerur, Dist: Haveri.
	4	Mallanagouda S/o Ujanappa Nagappanavar Age: 72 year, Occ: Agriculture, R/o Divegihalli, Tq: Hirekerur, Dist: Haveri.
	5	Maligevva W/o Rajappa Puttalli Age: 58 year, Occ: House Hold work, R/o Divegihalli Tq: Hirekerur, Dist: Haveri.
	6	Indira W/o Satish Karagi Age: 56 year, Occ: House Hold work, R/o K. H. B colony Channalli Road, Hirekerur, Tq: Hirekerur, Dist: Haveri.
	7	Sumitra W/o Basavarajappa Kerakkanavar Age: 60 year, Occ: House Hold work, R/o Bannihatti Tq: Byadagi, Dist: Haveri.
	8	Indira W/o Malleshappa Suttakoti Age: 67 year, Occ: House Hold work,



		R/o Tadakanahalli Tq: Rattihalli, Dist: Haveri.
	9	Smt Vasundara W/o Channabasappa Maliger, Occ: House Hold work, R/o Near Bus stand Masur, Tq: Rattihalli, Dist: Haveri.
	10	Kavita W/o Nagesh Halageri. Age: 58 year, Occ: House Hold work, R/o 2nd Cross Manjunath Nagar, Hirekerur, Tq: Hirekerur, Dist: Haveri.
	11	Raju S/o Gadigeppa Kavali Age: 34 year, Occ: Agriculture, R/o Vinayaka Nagara, 2nd Cross, Hirekerur, Tq: Hirekerur, Dist: Haveri.
	12	Shrikanta S/o Shakrappa buraddikatti Age: 30 year, Occ: Agriculture, R/o Keravadi, Tq: Byadagi, Dist: Haveri.
(R-1 by Sri. P.S.Patil, Advocate) (R- 2 & 8 by Sri. S.S.Hullatti, Advocate) (R-9 to 11 Ex-parte) (R-12 by Sri. D.S.Ullagaddi, Advocate)		

(Parashuram F.Doddamani)

Senior Civil Judge & JMFC,
Hirekerur.

-:ORDERS:-

The petitioners have filed this petition under Order XX Rule 18 R/w Sec. 54 of CPC to draw final decree as per modified decree passed by the Hon'ble High Court of Karnataka, Dharwad Bench



in RFA.No.1824/2005.

2. In the petition it is pleaded that, in OS.No.97/1995 this court has drawn preliminary decree on 20.09.2005 and declared that, the plaintiffs are entitled $\frac{1}{2}$ share in the suit schedule properties belonging to the property of defendant No.2. The Hon'ble High Court of Karnataka was pleased to modify the decree passed by this court in RFA.No.1824/2005 and declared that, the plaintiffs and defendants are entitled $\frac{1}{2}$ share in the suit schedule properties.

3. After institution of petition, notices were issued to respondents. The respondents No.1 to 8 to have appeared through their counsel, but respondent No.9 to 11 did not appear, so they are placed exparte. The respondent No.12 got himself impleaded through his counsel. But, the respondents who have appeared did not file objections.

4. Heard the arguments on behalf of petitioners and on behalf of respondents No.2 to 11.

5. The points that arise for consideration of the court is as under;



1. Whether the petitioners are entitled the relief as prayed for?

2. What order or decree?

6. Perused the records, the above points are answered is as under;

Point No.1: In the Affirmative.

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

REASONS

7. During the pendency of the petition, court commissioners were appointed. The surveyor has submitted the report with respect to landed properties. But, the engineer who have been appointed for demarcation of house properties, submitted a report that, there is no e-khatha and the boundaries are not tally with decree and he could not find exact extent. After hearing on both sides, the matter was posted for orders on 03.07.2026, this court redirected to engineer- court commissioner to divide house properties in two parts by metes and bounds. On 03.07.2023, the petitioner No.1 appeared through his counsel and filed a memo stating that, the petitioners are not claiming share in the house



properties.

8. A perusal of the judgment passed by the Hon'ble High Court of Karnataka in RFA.No.1824/2005 dated 07.06.2022, the judgment and decree passed by this court in OS.No.97/1995 dated 20.09.2005 has been modified and declared that the plaintiffs and defendants are entitled equal share in all the suit schedule properties and the same has been attained finality and neither parties disputed the same.

9. The surveyor/court commissioner divided the suit lands as per judgment passed by the Hon'ble High Court of Karnataka in RFA.No.1827/2005 and submitted a detailed report by showing the separate areas to parties and none of the parties have filed objections to court commissioner report. In view of the reasons, I answer the point No.1 partly in the **affirmative**.

10. **Point No.2:** In view of findings to point No.1 I proceed to pass the following;

::ORDER::

The Petition filed by the petitioners



**under Order XX Rule 18 R/w Section 151
of CPC is allowed in part.**

**Accordingly, the Court Commissioner/
Surveyor report is accepted.**

**The shares mentioned to parties in the
Court Commissioner/Surveyor report is
allotted to them.**

**The Court Commissioner/Surveyor
report is treated as part and parcel of the
Final Decree.**

**Draw Final Decree after receipt of
requisite non judicial stamp papers.**

(Dictated to stenographer directly and computerized print out taken by him, corrected by me and then pronounced in the open court on this 7th day of July 2026)

(Parashuram F. Doddamani)
Sr. Civil Judge & JMFC.,
Hirekerur.