



Presented on : 01-01-2019
Registered on : 01-01-2019
Decided on : 03-08-2026
Duration : 07 years, 07 months, 02 days.

**IN THE COURT OF 1st ADDL SENIOR CIVIL JUDGE AND
JMFC, RANEENNUR**

:: PRESENT ::

**SRI BALMUKUND R. MUTALIKDESAI
B.A., L.L.B (Spl).,
1st Addl. Senior Civil Judge & JMFC,
Ranebennur.**

F.D.P. No.01 of 2019

Dated this the 03rd day of August- 2026

PETITIONER: Bhagiratibai W/o Jayyappa Badiger,
Age: 65 years, Occ: Household work,
R/o: Kunabevu, Now at: Tq: Ranebennur.

(By Sri. J.I. Karimallannanavar., Adv.,)

V/s

RESPONDENTS:

1. Lakshmauva W/o Jayyappa Badiger,
Age: 65 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.
2. Kamma D/o Jayyappa Badiger,
Age: 33 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.
3. Vishalakshi @ Basamma D/o Jayyappa
Badiger, (Dead by her LRs).
- 3(a). Erappa Kammar,
Age: Major, Occ: Agriculture,
R/o: Kalledevaru, Tq: Byadagi,
Dist: Haveri.
4. Parameshwarappa S/o Nagappa Kuragunda,
Age: 54 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.



5. Parameshwarappa Lakkappa Banakar,
Age: 53 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
6. Subasappa Guddappa Malaguddappanavar,
Age: 48 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
7. Mailareppa S/o Shivalingappa Negaluru,
Age: 55 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
8. Puttappa S/o Balappa Lamani,
Age: 48 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
9. Bheemappa S/o Balappa Lamani,
Age: 42 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
10. Gangadhar Basavantappa Kuganur,
Age: 44 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
11. Kariyappa Halappa Hebbala,
Age: 63 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
12. Revanneppa S/o Gurappa Jyothi.
(Dead by his LRs)
- 12(a). Kamalavva W/o Revaneppa Jyothi,
Age: 60 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.
- 12(b). Ningappa S/o Revaneppa Jyothi,
Age: 43 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
- 12(c). Basavarajappa S/o Revaneppa Jyothi,
Age: 35 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
- 12(d). Ramesh S/o Revaneppa Jyothi,
Age: 30 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.



13. Basavva W/o Yallappa Andalagi,
Age: 50 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.
14. Bharamappa S/o Hanumantappa Talavara,
Age: 38 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
15. Bharamavva W/o Yallappa Talavara,
Age: 34 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.
16. Neelappa S/o Guddappa Devaragudda,
Age: 43 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
17. Gouravva S/o Basayya Hiremath,
Age: 48 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.
18. Hanumantappa Hadapad,
Age: 58 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
19. Kariyavva W/o Basappa Settenanavar,
Age: 68 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
20. Manjavva W/o Lakshmappa Lakshmeshwara,
Age: 38 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.
21. Krishnappa S/o Muniyappa Lamani,
Age: 53 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
22. Anjanappa S/o Munimappa Lamani,
Age: 58 years, Occ: Agriculture,
R/o: Kunabevu, Tq: Ranebennur.
23. Sharavva W/o Siddappa Hadapad,
Age: 58 years, Occ: Household work,
R/o: Kunabevu, Tq: Ranebennur.

(1, 4 to 8, 12(a) to (d), 13, 14 & 16
by Sri. C.N. Shivapuji, Adv)
(3(a), 15, 17 to 19, 21 to 23 exparte)
(20 absent.)



JUDGMENT

The present petition is filed for drawing final decree by the plaintiff on the basis of Judgment and Decree passed in O.S No.1/2015 dated 13-11-2018 by this court.

2. After service of notice respondents appeared through their counsel.

3. Aggrieved by the Judgment and Decree of this court parties preferred R.F.A. No.100059/2019 before Hon'ble Hon'ble High Court of Karnataka, Dharwad bench and Hon'ble High Court was pleased to dismiss the appeal on 27-02-2026.

4. Heard both the sides. Perused all the documents placed on record. The points that arose for my consideration are as follows:-

Point No-1 : Whether the plaintiff in O.S No.1/2015 is entitled for 1/3rd share by way of partition of suit schedule properties as sought by her as per preliminary decree and draw the final decree?

Point No-2 : What Order?

5. I have answered the above points in the following ways:

Point No.1	: In the Affirmative.
Point No.2	: As per final order for the following...



REASONS

6. Point No.1:- The plaintiff has filed petition U/o 20 Rule 18 R/w Sec.54 of CPC to draw final decree. The Taluka surveyor Ranebennur was appointed as court commissioner to conduct commission work in respect of landed properties. Sri. S.G. Gaviyappanavar, learned Advocate from Ranebennur Bar was appointed as court commissioner to carry out commission work in respect of suit schedule house properties.

7. Per contra the petitioner and respondent filed objections to the Commissioner Report filed by the Taluka surveyor.

8. The Taluka surveyor as per the directions of this court visited the spot on 16-12-2025 after giving notice to the parties. After conducting survey, the Taluka surveyor filed his report and also filed PT sheet dividing properties in southern side as Block-II and northern side as Block-I. He also shown construction of houses in Block-II.

9. The petitioner counsel filed objections to the said report stating that, petitioner is entitled for two acres of land and in survey No.183/2 the extent is 03 acres 30 guntas. Hence, the southern side by deducting sold property is allotted to the petitioner then it will be convenient for cultivation.

10. On the other hand, counsel for respondents filed objections stating that, respondents No.4 to 13 purchased bits of land from respondents No.1 to 3. Hence, to protect the rights



of purchasers southern side 02 acres 10 guntas land shall be allotted to respondents No.1 to 3.

11. Perused the commissioner report and objections filed by both the parties. Hence, I am of the considered view that, Block-II shown in the PT sheet excluding land sold by respondents No.1 to 3 may be allotted to the petitioner.

12. The learned advocate/court commissioner filed his report dated 16-03-2026 stating that, he has visited the spot on 25-12-2025 and conducted commissioner work. The learned advocate/court commissioner in his commission report has allotted shares. Both the parties have submitted no objections to said report.

13. This court is of opinion that, report given by the court commissioner is feasible one. As per the commissioner report the property can be allotted to the share of respective petitioners and respondents.

14. After the Commissioner's Report the respondents and petitioners have not filed any application to re-survey the land and for appointment of fresh commissioner report and such being the fact the said commissioner report on perusal of the documents goes to show that, the same is acceptable one and has been demarcated as per the shares of the parties.

15. Hence, plaintiff and defendants are entitled for share in suit schedule properties by way of partition in the suit properties mentioned above. Hence, I have accepted the report of the Taluka surveyor and learned advocate/court commissioner and decided that plaintiff and defendants of O.S



No.1/2015 are entitled for final decree. Accordingly I have answered above point **in the Affirmative.**

16. Point No.2:- Upon the discussion made above, I proceed to pass the following:-

ORDER

The final decree proceedings filed by the plaintiff under Order XX Rule 18 of CPC is hereby allowed.

The suit properties are hereby partitioned as per decree passed in O.S No.1/2015 by allowing petitioners' share.

Out of landed properties in Block-II the land to the extent of 02 acres is allotted to the plaintiff as shown in PT sheet excluding the land sold by the respondents No.1 to 3.

The Plaintiffs and defendants are entitled for share as per learned advocate/court commissioner report in respect of suit schedule house properties.

The court Commissioner reports shall form part of the final decree.

Draw final decree accordingly.

(Dictated to the stenographer, directly on computer and typed by him, corrected, signed and then pronounced by me in the Open Court this the 03rd day of August – 2026)

(Sri. B.R. MutalikDesai)
1st Addl. Senior Civil Judge
and JMFC, Ranebennur.



**(Judgment pronounced in the open court
vide in separate order)**

O R D E R

The final decree proceedings filed by the plaintiff under Order XX Rule 18 of CPC is hereby allowed.

The suit properties are hereby partitioned as per decree passed in O.S No.1/2015 by allowing petitioners' share.

Out of landed properties in Block-II the land to the extent of 02 acres is allotted to the plaintiff as shown in PT sheet excluding the land sold by the respondents No.1 to 3.

The Plaintiffs and defendants are entitled for share as per learned advocate/court commissioner report in respect of suit schedule house properties.

The court Commissioner reports shall form part of the final decree.

Draw final decree accordingly.

**(Sri. B.R. MutalikDesai)
1st Addl. Senior Civil Judge
and JMFC, Ranebennur.**