



Presented on : 26-02-2016
Registered on : 26-02-2016
Decided on : 10-06-2026
Duration : 10 years, 03 months, 14 days.

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

:: PRESENT ::

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

F.D.P. No.05 of 2016

Dated this the 10th day of June - 2026

PETITIONER:

Original
Plaintiff No.2
L.Rs of plaintiff
No.3

(Ashoka S/o Erappa Kittur,
Age: 56 years, Occ: Coolie,
R/o: Gandigalli, (Dombar Oni)
Tq: Ranebennur, Dist: Haveri.

- 1a. Annapurna W/o Ashoka Kittur,
Age: 54 years, Occ: Coolie,
R/o: Kanchagar Oni, near
Panduranga temple,
Tq: Ranebennur, Dist: Haveri.
- 1b. Eranna S/o Ashoka Kittur,
Age: 36 years, Occ: Coolie,
R/o: Kanchagar Oni, near
Panduranga temple,
Tq: Ranebennur, Dist: Haveri.
- 1c. Suma W/o Manjunath,
Age: 34 years, Occ: Household work,
R/o: Elebetur, Tq: Dist: Davanagere.
- 1d. Vishvanath S/o Ashoka Kittur,
Age: 32 years, Occ: Coolie,
R/o: Kanchagar Oni, near
Panduranga temple,
Tq: Ranebennur, Dist: Haveri.

(By Sri. L.F. Kengonda., Adv.,)

V/s

**RESPONDENT:**

Original plaintiffs
No.1 & 4 to 9 and
Defendants
No.1 to 6

1. Shanmukappa S/o Kotrappa Kittur,
Age: 54 years, R/o: Ranebennur,
(Dead by his LRs)
 - 1a. Leelavati W/o Shamukappa Kittur,
Age: 45 years, R/o: Ranebennur.
 - 1b. Umesh S/o Shamukappa Kittur,
Age: 26 years, Occ: Business,
All are R/o: Near Remand home,
Hosanagar, Tq: Ranebennur,
Dist: Haveri.
2. Mahadevappa S/o Channabasappa Kittur,
(Dead by LRs)
 - 2a. Gouramma W/o Mahadevappa Kittur,
(Dead by LRs)
 - 2b. Prakash S/o Mahadevappa Kittur,
Age: 44 years, Occ: Coolie.
 - 2c. Ashok S/o Mahadevappa Kittur,
(Dead by LRs).
 - 2d. Yallavva @ Yallamma W/o Ashok Kittur,
Age: 34 years, Occ: Coolie,
All R/o: Pampa Nagar, 6th cross,
Tq: Ranebennur, Dist: Haveri.
 - 2e. Sruti D/o Ashok Kittur,
Age: 19 years, Occ: Student,
R/o: Pampa Nagar, 6th cross,
Tq: Ranebennur, Dist: Haveri.
3. Jayamma W/o Channabasappa Kittur,
Age: 48 years, Occ: Anganavadi worker.
4. Netravati D/o Channabasappa Kittur,
Age: Major, Occ: Household work.
5. Kum. Kavita D/o Channabasappa Kittur,



Age: Major, Occ: Student,
(Dead by LRs)

- 5a. Prajwal S/o Lingaraj Kayakad,
Age: 10 years, Occ: Student,
R/o: Maruti Nagar, 8th cross,
Tq: Ranebennur, Dist: Haveri.
(Minor guardian Rept., by his
aunt respondent No.4, by name
Netravati D/o Channabasappa Kittur,
Age: Major, Occ: Cooli,
R/o: Kadaramandalagi, Tq: Byadagi,
Dist: Haveri.
6. Kumar S/o Channabasappa Kittur,
Age: Major, Occ: Coolie.
7. Shashikuar S/o Channabasappa Kittur,
Age: Major, Occ: Coolie,
All are R/o: Kadaramandalagi,
Tq: Byadagi, Dist: Haveri.
8. Annapurnamma W/o Nagappa Kittur,
Age: 55 years, Occ: House work,
Garage work.
9. Chidanandappa S/o Nagappa Kittur,
Age: 35 years, Occ: Garage work.
10. Malatesh S/o Nagappa Kittur,
Age: 37 years, Occ: Welding shop.
11. Prabhu S/o Nagappa Kittur,
Age: 30 years, Occ: Business.
12. Nijagunappa S/o Nagappa Kittur,
Age: 28 years, Occ: Student.
All are R/o: Near Remand home,
Hosanagara.
Now at: R/o: Tq: Ranebennur,
Dist: Haveri.
13. Vishwa Printing Press.
Its Proprietor. Tq: Ranebennur.

**(1(a) & (b), 8 to 12 exparte)
(2(b) & 2(d) by Sri. P.G. Suranagi., Adv.,)
(3 to 7 by Sri. N.G. Banakar., Adv.,)
JUDGMENT**



The present petition is filed for drawing final decree by the plaintiff No.2 and L.Rs of plaintiff No.3 on the basis of Judgment and Decree passed in O.S No.136/2004 dtd: 29-08-2009 by this court.

2. After service of notice respondents appeared through their counsel. But they did not choose to file any objections to the main petition.

3. Aggrieved by the judgment and decree of this court parties preferred R.A. No.187/2009 before Hon'ble 2nd Addl., District and Sessions Court, Ranebennur and same was dismissed on 16-11-2015. Further parties preferred R.S.A. No.100036/2016 before Hon'ble High Court of Karnataka and Hon'ble High Court was pleased to dismiss the second appeal on 06-03-2025.

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 plaintiffs in O.S. No.136/2004 are entitled for share by way of partition of suit schedule properties as sought by them 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 No.2 and L.Rs of plaintiff No.3/petitioner have filed petition U/o 20 Rule 18 R/w Sec.54 of CPC to draw final decree. Sri. M.K. Haravi, learned Advocate from Ranebennur Bar was appointed as court commissioner to carry out commission work in respect of suit schedule properties.

7. Per contra the respondents have not filed any objections to the Commissioner Report filed by the learned advocate/court commissioner.

8. The learned advocate/court commissioner filed his report dated 02-02-2019 stating that, he has visited the spot on 13-11-2018 and conducted commissioner work. The learned advocate/court commissioner in his commission report has allotted shares in following ways;

- a) Original plaintiff No.2 i.e., present petitioner was allotted CTS No.1591 and CTS No.94/B.
- b) The L.Rs of original plaintiff No.1 i.e., present respondent No.1(a), 1(b) were allotted northern side in CTS No.585/B in that East-West 12.27 sq meters and North-South 3.00 sq meters.
- c) Original plaintiffs No.5 to 9 i.e., present respondent No.3, 4, 5(a), 6 and 7 were allotted middle portion in CTS No.585/B measuring East-West 12.27 sq meters, North-South 03.00 sq meters.



- d) Original defendants No.1 to 5 i.e., present respondents No.8 to 12 were allotted in CTS No.585/B, southern side measuring East-West 12.27 sq meters, North-South 03.00 sq meters.
- e) The LR's of original plaintiff No.4 i.e., present respondents No.2(b), 2(d) and 2(e) are entitled for CTS No.585/L.

9. 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.

10. 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.

11. 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 learned advocate/court commissioner and decided that plaintiff and defendants of O.S No.136/2004 are entitled for final decree. Accordingly I have answered above point **in the Affirmative.**

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



ORDER

The final decree proceedings filed by the plaintiff No.2 and L.Rs of plaintiff No.3 under Order XX Rule XVIII of CPC is hereby allowed.

The suit properties are hereby partitioned as per decree passed in O.S No.136/2004 by allowing petitioners' share.

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

The court Commissioner report 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 10th day of June – 2026)

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