

KAHV700008462022



1

FDP No.4/2022

**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C AT
SHIGGAON**

Present: Ashwinichandrakanth
B.Sc., LL.B.
Civil Judge and J.M.F.C.,
Shiggaon.

DATED 17th DAY OF JULY, 2025

FDP NO.04/2022

1. Kumari.Chethana @ Shanthamma D/o.
Parameshwarappa Sunagar, Age: 10 yeas,
Occ: Student, R/o: Shiggaon, Now residing at
Hale - Hancinala, Tq. Shiggaon, Dsit.Haveri.
2. Smt.Savitri W/o. Parameshwarappa Sunagar,
Age: 31 yeas, R/o: Shiggaon, Now residing at
Hale - Hancinala, Tq. Shiggaon, Dsit.Haveri.

(Petitioner No.1 is minor R/by. Her
natural/guardian mother Petitioner No.2)

....Petitioners

V/s.

1. Smt.Ratnavva W/o. Lakshmappa Hullur,
Age: 60 years, Occ: Agriculture and Household
work, R/o: Kalasa, Tq.Kundagol, Dist.Dharwad.

KAHV700008462022



2

FDP No.4/2022

2. Smt.Channavva W/o. Mahadevappa Bandivad,
Age: 58 yeas, Occ: Agriculture and Household
work, R/o: Shiggaon, Now residing at
Hale - Hancinala, Tq. Kundagol, Dsit.Dharwad.
3. Smt.Yallavva W/o. Virupakshppa Huded,
Age: 56 years, Occ: Agriculture and Household
work, R/o: Hiremanaktti, Tq.Shiggaon, Dist.Haveri.
4. Sri.Channappa S/o. Ramappa Sunagar,
Age: 54 years, Occ: Agriculture and Household
work, R/o: Gandhinagar Shiggaon, Tq.Shiggaon,
Dist.Haveri.
5. Sri.Yallappa S/o. Ramappa Sunagar,
Age: 52 years, Occ: Agriculture and Household
work, R/o: Gandhinagar Shiggaon, Tq.Shiggaon,
Dist.Haveri.
6. Stm.Gangavva W/o. Shivappa Valikar,
Age: 50 years, Occ: Agriculture and Household
work, R/o: Kadakol, Tq.Savanur, Dist.Haveri.
7. Sri.Paramesh S/o. Ramappa Sunagar,
Age: 48 years, Occ: Agriculture and Household
work, R/o: Gandhinagar Shiggaon, Tq.Shiggaon,
Dist.Haveri.

.... Respondents

KAHV700008462022



3

FDP No.4/2022

PARTIES TO THE IA NO.I

1. Kumari.Chethana @ Shanthamma D/o.
Parameshwarappa Sunagar and another.

.....APPLICANTS/Petitioners

V/S

1. Smt.Ratnavva W/o. Lakshmappa Hullur and others.

....OPPONENTS/Respondents

ORDERS ON IA No.I

This applications are filed by the petitioner under Order 26 Rule 9 and 13 R/w Sec.151 of CPC with prayer to appoint the court commissioner in respect of schedule property for allotment of 1/14th of the plaintiff/petitioner in respect of suit schedule properties as per decree passed in OS No.105/2019 to meet the ends of justice & equity.

2. In the affidavit petitioner has stated that, petitioner has filed suit for partition and separate possession

KAHV700008462022



4

FDP No.4/2022

against the respondents. The said suit was decreed and declared that the plaintiff entitled for 1/14th share in the suit schedule properties. Hence, the plaintiff is now entitled for the 1/14th share in the suit schedule properties. Therefore it is necessary to appoint court commissioner for division of properties by metes and bounds. Hence prays to allow the application.

3. In this petition the respondents has not filed objection.

4. Heard from both sides.

5. The point that would arise for my consideration is:

“Whether appointment of commissioner to effect partition and separate possession as per OS No.105/2019 is necessary?”

6. My answer is in the Affirmative, for the following:

KAHV700008462022



5

FDP No.4/2022

: R E A S O N S :

7. The petitioner has filed suit for partition and separate possession against the defendants in OS No.105/2019. Thereafter the Hon'ble court was pass the order that the suit of the plaintiff is hereby decreed and the plaintiff is entitled 1/14th share in the suit property by meets and bounds. Petitioner counsel filed memo by virtue of the orders passed on IA No.III under Section 151 of CPC Petitioners are entitled for 1/7th share. IA No.III is allowed on the basis of the Respondent No.7 has relinquished his share 1/14th infavour of Petitioners. Therefore, based on the relinquishment Petitioners are entitled of 1/7th share. Hence Under these circumstances it is obligation on the part of this Court to proceed with the case sort of attained finality. In the background it is needless to mention that, if Court Commissioner as prayed by petitioner is not appointed there will be failure of duty of the part of this court. Appointment

KAHV700008462022



6

FDP No.4/2022

of Court Commissioner to effect partition and separate possession in respect of suit property is necessary. Hence, I answer the above point in the Affirmative and proceed to pass the following:

ORDER

IA No.1 filed by the petitioner under Order 26 Rule 9 and 13 R/w Sec.151 of CPC is hereby allowed.

The ADLR, Shiggaon is hereby appointed as court commissioner to effect partition and separate possession of suit schedule property by meets and bounds in terms of judgment and decree passed in OS No.105/2019.

The petitioner is hereby directed to deposit the Commissioner fee of Rs.3,000/-.

The S.Y.H., Advocate is hereby appointed as court commissioner to effect partition and separate possession of suit

KAHV700008462022



7

FDP No.4/2022

schedule property by meets and bounds in terms of judgment and decree passed in OS No.105/2019.

The petitioner is hereby directed to deposit the Commissioner fee of Rs.3,500/-.

The Court commissioners is hereby directed to allocate the share as per the decree and handover the possession to the respective parties subject to their satisfaction.

Office is directed to issue Commissioner Warrant subject to deposit Commissioner fee & if P.F paid.

**Civil Judge and JMFC,
Shiggaon.**