



Presented on : 16-03-2022  
Registered on : 16-03-2022  
Decided on : 05-08-2026  
Duration : 4 years 4 months 20 days.

**IN THE COURT OF CIVIL JUDGE & J.M.F.C.,  
CHITTAPUR**

**Present**

**Sri Abhishek Ramachandra Joshi  
B.A.L., LL.B.,**

**Civil Judge & JMFC, CHITTAPUR**

**F.D.P. No.2/2024**

**DATED: THIS THE 5th DAY OF AUGUST-2026**

**PETITIONER:**

Ningamma D/o Sabanna and W/o Shivappa,  
Age: 60 years, Occ: Household,  
R/o: Diggaon village, Tq. Chittapur,  
Dist. Kalaburagi,  
Now residing at Dist. Yadagiri  
(since deceased through legal  
representative)

- A. Laxmi W/o Mallikarjun (D/o Shivappa),  
Age: 45 years, Occ: Household,  
R/o Bholakpur, Hyderabad.
- B. Maruti S/o Shivappa Bandari,  
Age: 41 years, Occ: Coolie,  
R/o: Yadgir.
- C. Ramesh S/o Shivappa Bandari,  
Age: 35 years, Occ: Coolie,  
R/o: Yadgir.

**(By Smt. M.V.L., Advocate)**



**-V/s-**

**RESPONDENTS:**

1. Bhagamma W/o Late. Mallappa,  
Age: 50 years, Occ: Household,
2. Laxmi D/o Late Mallappa,  
Age: 30 years, Occ: Household.
3. Mahantamma D/o Late. Mallappa,  
Age: 28 years, Occ: household,
4. Chandrapopa S/o Late. Mallappa,  
Age: 24 years, Occ:Agriculture,
5. Tippanna S/o Late. Mallappa,  
Age: 19 years, Occ: Agriculture,  
All R/o: Diggaon village, Tq. Chittapur.
6. Sonabai W/o Late. Laxman,  
Age: 50 years, Occ: Household,
7. Kasturibai D/o Late. Laxman,  
Age: 35 years, Occ: Household,
8. Devindra S/o Late. Laxman,  
Age: 30 years, Occ: Agriculture,  
R/o Padmarao Nagar, Amalbasti,  
Secundrabad, Andrapradesh.

**(R-6 and R-6 absent R-7 Ex-parte)**

**ORDER**

This final decree proceedings are initiated in pursuant to the preliminary decree passed by this Court in O.S.76/2012 dated 11.11.2021.



2. Respondents were duly served but they remained absent and hence, there is no objections to the petition or the court commissioner report.

3. In the suit this court while passing judgment declared that, the petitioners are entitled for partition and separate possession of their 1/3 share in petition property. The petition property is Sy. No. 291 measuring 8 acres 28 guntas out of 17 acres 16 guntas situated at Diggaon village, Chittapur Taluka. This court had appointed the ADLR Chittapur to submit the proposal for division of petition property. The court commissioner has submitted his report after visiting the petition property. To the said report , the petitioners have no objection and as respondents are placed absent, there is no objection from respondents also.

4. Heard the counsel appearing for the petitioners.



5. On perusal of materials and after hearing the petitioners the point that arise for my determination is:

**“Whether the proposal submitted by the Court Commissioner for the division of petition property is just, equitable and reasonable”?**

6. My finding to the above point is in the Affirmative for the following:

**:: R E A S O N S ::**

7. As per the preliminary decree the petitioner No.1(a) to (c) are together entitle for 1/3 share in petition property and respondents are entitle for the remaining 2/3 share in petition property. The court commissioner has submitted the report with a proposal for division of petition property. In the report it is stated that, the property situated at Diggaon village, Chittapur Hobali, Chittapur Taluka, Kalaburagi District. The entire petition property is measuring 8 acres 28 guntas. The petition property as per



the report is divided into two parts. The court commissioner has proposed to allot block No.I in Sy. No. 291/1 and Sy. No. 291/4 i.e., 1 acres 18 guntas each to the petitioners and remaining property I.e., Block No.II measuring 5 acres 32 guntas to the respondents. I have carefully perused the entire materials on record. The court commissioner has proposed to divide the petition property as per the shares allotted by this court. The petitioners and respondents have not opposed to the proposal. The proposal appears to be just and equitable. Therefore, I hold that, the petitioners are entitled for 1/3 share in petition property as proposed by the court commissioner. The reasons assigned by the court commissioner appears to be proper. Therefore, the report of the court commissioner in respect of petition property is accepted. Accordingly, I answer point No.1 in the affirmative and pass the following:



## **ORDER**

The final decree petition is allowed with respect to petition property as per decree passed by this Court in O.S.76/2012 dated 11.11.2021.

Block No.I in Sy.No.291/1 and block No.I in Sy.No.291/4 measuring 1 acres 18 guntas each is allotted to petitioners as shown in the Commissioner's report/sketch.

Block No.II in Sy.No.291/1 and block No.II in Sy.No.291/4 is allotted to respondents as shown in the commissioner's report/sketch.

Draw final decree accordingly.

(Dictated to the Typist-Copyist directly over the computer and typed by him, corrected, signed and then pronounced by me in the Open Court on this the 5<sup>th</sup> day of August 2026)

**(Abhishek Ramachandra Joshi)**  
**Civil Judge & JMFC.,CHITTAPUR.**

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