



Presented on : 27-04-2024
Registered on : 27-04-2024
Decided on : 01-06-2026
Duration : 2 years 1 month, 5 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.3/2024

DATED: THIS THE 1st DAY OF JUNE-2026

PETITIONER:

Jagadevi D/o Mallinath Desai,
W/o Gurupadappa, Age: 37 years,
R/o: Pragati Colony, Sedam Road,
Kalaburagi.

(By Sri. M.A., Advocate)

-V/s-

RESPONDENTS:

- 1) Mallinath S/o Chandramappa Desai,
Age: 67 years, R/o: Plot No. 9,
Prashant Nagar (A), Shahabad Road,
Kalaburagi.
- 2) Chandrakanth S/o Mallinath Desai,
Age: 45 years, R/o: Plot No.9,
Prashant Nagar (A), Shahabad Road,
Kalaburagi.



- 3) Shivalingappa S/o Mallinath Desai,
Age: 43 years, R/o: Plot No.9,
Prashant Nagar (A), Shahabad Road,
Kalaburagi.

(Respondent No.1 to 3 absent.)

ORDER

This final decree proceedings are initiated in pursuant to the preliminary decree passed by this Court in O.S.48/2023 dated 19.04.2024.

2. Respondents were duly served and they remained absent and hence there are no objections to present petition. In OS No. 48/2023 it was decreed that, the petitioner was entitled for 1/4th share in petition properties. The petitioner to get her 1/4th share in petition properties as per the decree, the present petition is filed. This court to propose division of petition property as per the decree passed in OS No. 48/2023, had appointed Taluka Surveyor Chittapur as court commissioner. Accordingly, the court



commissioner has filed his report but as discussed above none of the respondents have filed any objections to the court commissioner report. The advocate for petitioner submitted that, the report may be accepted.

3. Heard the counsel appearing for the petitioner.
4. On perusal of materials and after hearing both sides 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”?

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

:: REASONS ::

6. As per the preliminary decree the petitioner was entitled for 1/4th share in petition property i.e., Sy. No. 102/*/1 measuring 6 acres 7 guntas situated at Khaddargi



village, Chittapur. To get the petition property partitioned, the petitioner filed application U/o XXVI Rule 13 CPC and sought for appointment of Taluka Surveyor Chittapur for the Survey of petition property. The said application was allowed and Taluka Surveyor Chittapur was appointed as court commissioner. The Court Commissioner has submitted the report with a proposal for the division of petition property.

7. The Taluka Surveyor in his report has stated that petition property is situated in Kaddargi village, Chittapur Taluka. It is reported that, as per the records, Sy No. 102/*/1 is totally measuring 6 acres 7 guntas and if it is divided as per the judgment passed by this court, the petitioner is entitled for 1 acres 21 guntas and 12 anas, which is the 1/4th share of the petitioner. The Court Commissioner has also proposed to allot the block No.I



i.e., 1 acres 21 guntas and 12 anas in Sy.No.102/*/1 in favour of the petitioner. Further the court commissioner has proposed to allot block No.II i.e., 4 acres 25 guntas and 4 anas to respondents being the remaining shares of respondents.

8. I have carefully gone through the entire material on record, the Court Commissioner has proposed to divide the petition property as per the judgment passed by this court. The said report is not objected by any party and on careful perusal of it, it is as per the judgment passed by this court. Hence, the said report is accepted by this court. The petitioner is entitled for 1/4th share in petition property i.e., block I (1 acres 21 guntas and 12 anas) in Sy. No. 102/*/1. Similarly the respondents are entitled for remaining 3/4th share in petition property i.e., block II (4 acres 25 guntas



and 4 anas) in Sy. No. 102/*/1. Accordingly, I have answered the above point in the Affirmative and pass the following:

ORDER

The final decree petition is hereby allowed with respect to suit schedule property as per decree passed by this Court in O.S.48/2023 dated 19.04.2024.

The petitioner is entitled for 1/4th share in petition property i.e., block I (1 acres 21 guntas and 4 anas) in Sy. No. 102/*/1 as shown in the court commissioners report/sketch.

Similarly the respondents are together entitled for the remaining 3/4th share in petition property i.e., block II (4 acres 25 guntas and 4 anas) in Sy. No. 102/*/1 as shown in the court 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 1st day of June 2026)

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

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