

KAKB620002612013



**IN THE COURT OF CIVIL JUDGE AND JMFC, JEWARGI
AT JEWARGI.**

**Present:- Sri. Kashinath V. Uppar. B.Sc., LL.B.,
Civil Judge and JMFC, Jewargi.**

Dated : This the 18th day of December-2025

F.D.P.No.08/2013

Between:

Nagamma W/o Kareppa Benkotagi,
(D/o late Sidramappa Biradar)
Age: about 47 years, Occ: Agriculture,
R/o: Halagattarga, Tq:Jewargi, Dist: Kalaburagi.

.....PETITIONER

(By Sri. J.V.H, Adv.)

V/S.

1. Chandrawwa W/o Sidramappa Biradar
Age: about 70 years, Occ: Agriculture,
R/o: Halagattarga, Tq:Jewargi, Dist: Kalaburagi.
2. Bhagamma W/o late Bhimaraya Biradar,
Age: about 40 years, Occ: Agriculture,
R/o: Murganur, Tq:Jewargi, Dist: Kalaburagi.
3. Basalingamma W/o Sharanagouda Kalagi,
(D/o late Bhimaraya S/o Sidramappa Biradar)
Age: about 20 years, Occ: Agriculture,
R/o: Murganur, Tq:Jewargi, Dist: Kalaburagi.
4. Sharanagouda S/o Chandrappa Kalagi,
Age: about 27 years, Occ: Agriculture,
R/o: Murganur, Tq:Jewargi, Dist: Kalaburagi.

**(Respondent No.1 died)
(R-2 & 3 placed ex-parte)
(R-4 By Sri. B.B., Advocate)**

PARTIES TO I.A. NO.XIV

**APPLICANT/
PETITIONER**

: Nagamma W/o Kareppa Benkotagi

KAKB620002612013



V/S

OPPONENT/ : 4.Sharanagouda S/o Chandrappa
RESPONDENTS Kalagi

ORDERS ON I.A No.XIV

The counsel for petitioner filed I.A.No.14 U/o 151 of C.P.C praying to draw another preliminary decree in respect of 1/9th share to the respondent No.4 i.e., share of Chandawwa as per order passed by the Hon'ble High Court of Karnataka in M.S.A.No.200514/2022 dated 11-08-2025, in the interest of justice.

2. The petitioner has sworn affidavit annexed with the I.A.No.XIV and contended that, as per the order passed by the hon'ble court of Karnataka in M.S.A. No.200514/2022 dated 11-08-2025 the respondent No.4 has to make an application to get the 1/9th share of Chandawwa in respect of Sy.No.47/1, measuring 06 acre 33 guntas and get appoint the court commissioner at his expenses but he is not ready to obey the same with an intention to drag the matter, hence this petition is filed by the deponent hence the another preliminary decree may be passed to allot 1/9th share to the respondent No.4. Hence, the petition may be allowed as prayed for.

3. On the other hand, respondent No.4 has not filed objections to I.A.No.14.

KAKB620002612013



4. Heard the arguments on both sides.
5. The following points would arise for my consideration.
 1. Whether the applicant has made out sufficient grounds to allow the application ?
 2. What order ?
6. I have answered above points in the following:
Point No.1 : In the Affirmative.
Point No.2 : As per final order for the following;

REASONS

7. **Point No.1:-** Admittedly, this petition filed by petitioner for a final decree proceedings of judgment passed in O.S.No.138/2012, and said suit was decreed and declared that, plaintiff is entitled 4/9th share, respondent No.1 entitled for 1/9th share and respondent No.2 and 3 are entitled for 4/9th share and declared the registered sale-deed bearing document No.5700/2011-12 dated 07-03-2012, in respect of suit property bearing No.47/1, to the share of petitioner is null and void and not binding the rights of plaintiff. Thereafter, petitioner filed a FDP No.08/2013 for final decree proceedings, the said petition is allowed. Thereafter, respondent prefer a appeal before Hon'ble High Court of Karnataka, Kalaburagi Bench, in MSA No.200514/2022 and the hon'ble High Court of Karnataka, Kalaburagi Bench, please to held that, the 1/9th share of the deceased Chandawwa is allotted to the share allot to the respondent No.4. Therefore, in view of direction of the

KAKB620002612013



Hon'ble High Court of Karnataka, Kalaburagi Bench, in MSA No.200514/2022, the 1/9th share of the deceased Chandawwa is allotted to the respondent No.4. Hence, it is required to draw another preliminary decree of rights of respondent No.4 in respect of land bearing Sy.No.47/1, measuring 06 acre 33 guntas, therefore, the application filed by the petitioner deserves to be allowed. Hence, I answer Point No.1 in the Affirmative.

9. **Point No.2** :- In view of the above discussion, I proceed to the pass the following :-

ORDER

The I.A.No.XIV U/o 151 of
C.P.C, is hereby allowed.

The 1/9th share of the
deceased Chandawwa is allotted to
the respondent No.4.

Office is directed to draw
another decree in O.S.No.138/2012.

(Directly Dictated to the Stenographer on Computer corrected and then
pronounced by me in the open court on the 18th day of December-2025)

(Sri. Kashinath V Uppar)
Civil Judge & JMFC,
Jewargi.

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