



**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 24th day of April, 2026

F.D.P.No.07/2024

Between:

Bhimabai W/o Mareppa Bargidad D/o
Hanamanth Barigheid,
Aged : 64 years, Occ: Household and
sweeper in govt. hospital,
R/o Jewargi (B), tq: Jewargi.

(By Sri. B.H.K., Adv.,)

.....PETITIONER

V/s

1. Sugamma W/o late Tippanna Barigheid,
Aged : 49years, Occ: Household,
R/o Jewargi (B), tq: Jewargi,
Dist: Kalaburagi,
Now R/o C/o Guranna Natikar at Post: Naganoor,
tq: Shahapur, Dist: Yadagir.
2. Chandawwa D/o Hanamanth Barigheid,
Aged : 74 years, Occ: Household,
R/o Naganoor, tq: Shahapur, Dist: Yadagir.
3. Shantabai D/o Hanamanth Barigheid W/o
Mareppa died by L.R's,
- 3(a) Hanamanth S/o Mareppa Barigheid,
Aged : 49 years, Occ: Agriculture,
R/o Jewargi (B), tq: Jewargi, Dist: Kalaburagi.
3. Maremma D/o Hanamanth Barigheid W/o
Bhimasha
R/o Jewargi (B), tq: Jewargi, dist: Kalaburagi.

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4(a) Renuka W/o Ravi

Aged : 36 years, Occ: Household,

R/o Jewargi (B), tq: Jewargi, Dist: Kalaburagi.

(Absent)

: RESPONDENTS

ORDERS ON MAIN PETITION

The petitioner has filed the petition U/O 54 of CPC, for drawing final decree in respect of petition schedule property.

2. The brief facts of the petition are as under:

That, the petitioner has filed O.S. No.116/2013 for partition and separate possession of her share in the suit schedule property, against the respondents herein. The said suit was came to be decreed on 14-08-2018, and thereby decreed that the petitioner is entitled 1/10th share, in the suit schedule property. Thereafter, the petitioner has preferred appeal in R.A.No.24/2018 before the hon'ble Senior Civil Judge, Jewargi. The Hon'ble court was modified the decree that, petitioner is entitled share 1/5th share in the suit schedule property. The respondents have failed to comply the judgment and decree passed in the said suit, hence the petitioner has filed this petition for drawing final decree as per preliminary decree.

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3. After registration of the present petition, this court has issued notice to the respondents. Respondent No.2 appeared through his counsel but did not file objections to main petition.

4. Thereafter the ADLR Jewargi was appointed as court commissioner in order to effect partition by demarcating the shares of petitioner and respondents in respect of petition schedule property. Accordingly, the ADLR Jewargi has effected the partition by demarcating the shares and submitted his report on 26-02-2026.

5. The learned counsels for the petitioner no objections to commissioner report.

6. Heard the arguments for the learned counsel for the petitioner.

7. The following points would arise for my consideration.

1. Whether the petitioner has made out grounds for drawing the final decree?

2. What order?

8. I have answered above points in the following;

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the following;

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REASONS

9. **Point No.1:** It is not in dispute that the present petitioner had filed the petitioner has filed O.S. No.116/2013 for partition and separate possession of her share in the suit schedule property, against the respondents herein. The said suit was came to be decreed on 14-08-2018, and thereby decreed that the petitioner is entitled 1/10th share, in the suit schedule property. Thereafter, the petitioner has preferred appeal in R.A.No.24/2018 before the hon'ble Senior Civil Judge, Jewargi. The Hon'ble court was modified the decree that, petitioner is entitled share 1/5th share in the suit schedule property.

10. The ADLR Jewargi was appointed as the court commissioner for demarcating the shares of parties in respect of the petition schedule property. The ADLR after following the due procedure has demarcated the shares of the parties in respect of the petition schedule property by metes and bounds and submitted the report along with sketch. This court has carefully perused the report along with sketch submitted by the ADLR Jewargi. After considering the said sketch and the report of the ADLR, it appears to this court that he had been to the spot, and before conducting the local inspection he had issued notice to the parties. The petitioner and respondents are present in the spot. The petitioner counsel submits to no objections to commissioner report.

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11. On perusal of court commissioner report it shows that, the court commissioner has allotted share to the petitioner and respondents. However, the hon'ble Senior Civil Judge, Jewargi, in R.A.No.28/2018, the hon'ble court was decreed the appeal to the extent of 1/5th share of petitioner only. Therefore, the court commissioner report to the valid to the extent of share of petitioner only. After perusal of the sketch submitted by court commissioner report in respect of petition schedule property bearing Sy.No.64/4 totally measuring 01 acres 14 guntas of Jewargi (B) village. **The court commissioner shows the block No.I in Sy.No.64/4 to the extent of 00 acres 10 guntas is allotted to the share of petitioner.**

12. After considered the said report and also sketch of the court commissioner, this court is of the opinion that the said report is in accordance with law, and hence same is accepted to the extent of share of petitioner only. This court is of the opinion that the petitioner has made out grounds for allowing petition, and thereby drawing the final decree. With these observations this court has held **Point No.1 in the Affirmative.**

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

ORDER

The final decree proceeding filed
U/Sec. 54 of CPC, is hereby allowed.

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The court commissioner report in respect of petition schedule property bearing Sy.No.64/4 totally measuring 01 acres 14 guntas of Jewargi (B) village. **The court commissioner shows the block No.I in Sy.No.64/4 to the extent of 00 acres 10 guntas is allotted to the share of petitioner.**

The report of court commissioner along with sketch submitted by the ADLR Jewargi in respect of petition schedule property to the extent to the share of petitioner only part and parcel of this final decree.

Draw final decree accordingly.

(Dictated to the Stenographer directly on Computer corrected and then pronounced by me in the open court on the 24th day of April-2026)

(Sri. KASHINATH V. UPPAR)
Civil Judge & JMFC,
Jewargi.

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