



IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC, AT

TIPTUR.

PRESENT

**SRI. BHARATH CHANDRA K. S. B.A.LL.B,
PRL. CIVIL JUDGE & JMFC,
TIPTUR.**

FDP No.02/2023

Dated this the 11th day of June 2026

Petitioner:- Sarojamma D/o Manjachar,
A/a:45 years
R/at: Vighnasante Majare, Palya village,
Mudduranga, Nonavinakere Hobli,
Tiptur taluk.

(By Sri. KNG, Advocate)

-V/s-

Respondents:- **1.** Manjachar S/o Phavati Gangachar,
A/a: 67 years,
2. Bhojachar S/o Manjachar,
A/a: 40 years,
3. Kamalamma D/o Manjachar,
W/o Sannachar,
A/a: 53 years,

Respondent No.1 to 3 residents of



Mudduranga Palya village,
Nonavinakere Hobli,
Tiptur taluk.
(By Sri. TAK, Advocate)

:: O R D E R ::

The present petition is filed Under Sec.54 of C.P.C. seeking an order to draw final decree in terms of preliminary decree passed in O.S.No.265/2020 dated 21-11-2022.

2. The brief facts of the petitioner's case are that:-

The petitioner had instituted a suit, which was registered as O.S.No.265/2009 against the respondents seeking partition and separate possession of the suit schedule properties, the said suit came to be decreed on 21-11-2022, declaring that the Petitioner is entitled for 1/4th share over the suit schedule properties. The Respondents have not come forward to partition the properties as per the preliminary decree passed. Accordingly the petitioner has filed the present petition for drawing a final decree in terms of the said preliminary decree.

3. This court issued notice to the Respondents upon institution of the petition, which was duly served. The Respondent No.1 and 3 appeared before this court through their counsels. However they did not choose to file objections to the Petition. Respondent No.2 inspite of service of notice, did not appear before this court.



4. Subsequently, by order dated 13.06.2023, this Court appointed the Tahsildar, Tiptur, as Court Commissioner to submit scheme of partition of the suit schedule properties in terms of the preliminary decree. The Tahsildar submitted his report on 18.11.2025, along with thakte and sketch demarcating the specific shares of the parties in blocks, with respect to Item No.1 and 2 schedule properties alone. The counsel on behalf of the Petitioner filed a memo submitting that a final decree may be drawn with respect to Item No.1 and 2 alone and the Petitioner be granted liberty to file a fresh FDP with respect to Item No.3 schedule property since the same is not available for division yet.

5. The Respondent No.1 and 3 filed a memo dated 02.05.2025 along with affidavit, submitting that their shares may be allotted to the Petitioner itself, as they relinquish their rights in favour of the Petitioner.

6. Both parties submitted no objections to the commissioner report and submitted to pass a final decree in terms of the scheme of partition submitted.

7. The petitioner and respondent have not lead evidence.

8. Heard and perused the materials available on record.

9. The following points arise for the consideration of this court :-

- 1.** Are there sufficient grounds to pass a Final Decree in view of the Preliminary Decree passed in O.S.No.265/2020 dated



21-11-2022 for partition as per Section 54
of C.P.C.?

2. What order?

10. My answers to the above said points are:-

Point No.1 :- In the Affirmative.

Point No.2 :- As per my final order below
for the following

:: R E A S O N S ::

11. Point No1.:- Without repeating the averments of the petition and also the history of this proceedings, this court shall proceed to examine the commissioner report.

12. At the outset the operating portion of the decree passed in O.S.No.265/2020 dated 21-11-2022 is extracted as follows :-

“ The suit of the plaintiff is decreed.

Further it is ordered and decreed that, the plaintiff and defendnat No.1 to 3 each are entitled to 1/4th share in the suit schedule properties.”

13. Therefore, as per the decree passed in O.S.No.265/2020 dated 21-11-2022, the Petitioner was declared to be entitled to 1/4th share over the suit schedule properties.

14. The court commissioner has filed the commissioner report only with respect to Item No.1 and 2 schedule property. The court



commissioner submits that the Item No.3 schedule property stands in the name of the government. Hence the scheme of partition is not prepared with respect to the said property. Accordingly the Petitioner filed a memo submitting that since the revenue records currently stand in the name of the government with respect to the suit Item No.3 schedule property, he may be permitted to file a separate FDP once the revenue records are mutated to their names.

15. Since the revenue records currently stand in the name of the government with respect to the suit Item No.3 and since it takes considerable time to get the revenue records mutated after completion of due procedure, the present FDP proceedings cannot go on for inconsiderable time. Hence this court is of the considered opinion that the Petitioner be granted the liberty to file a separate FDP with respect to Item No.3 alone, when the said property is available for division.

16. This court shall now only consider the petition with respect to Item No.1 and 2 schedule properties. As stated at the inception of this order, the Respondent No.1 and 3 have filed a memo submitting to allot their share in favour of the Petitioner, as they relinquish their rights infavour of the Petitioner. Therefore the portions demarcated for Respondent No.1 and 3 shall be now allotted to the Petitioner.

17. The Petitioner and Respondents have submitted no objections to the scheme of partition submitted by the Court commissioners. This Court has carefully perused the entire Commissioner reports and the records placed along with it. Upon such consideration, this Court is of the view that the scheme of partition proposed by the Court



Commissioner is fair, reasonable, and equitable, and that the properties have been divided in a manner that is practicable and convenient, having regard to their nature, situation, and physical features. Further the record discloses that the notices were served to parties and they have signed the statements.

18. In the light of the above discussions it is clear that, there are no grounds which are raised or appears from the records sufficient enough to reject the commissioner reports or not draw the final decree. The Court commissioners report demarcates the shares of the parties in blocks. The Petitioner No.1 is allotted Block No.1, Respondent No.1 is allotted Block No.2, Respondent No.2 is allotted Block No.3 and Respondent No.3 is allotted Block No.4. Now that the share of Respondent No.1 and 3 is allotted to the Petitioner. The Petitioner shall take Block No.1, 2 and 4 and the Respondent No.2 shall take only Block No.3. Hence the commissioner report is hereby accepted. Accordingly, **Point No.1** is answered in the **Affirmative**.

19. Point No.2:- In the light of above discussions and the findings, this court proceeds to pass the following :-

:: O R D E R ::

The petition filed by the petitioner,
Under Sec.54 of Code of Civil Procedure,
1908, is hereby allowed.

The commissioner report dated
11.11.2025 is hereby accepted.

Accordingly, the suit Item No.1 and 2



schedule properties shall be divided; and the parties shall be put into their respective possession over the same, as per the commissioner report and allotment made above i.e., the Petitioner shall be put into possession of Block No.1, 2 and 4 and the Respondent No.2 shall be put into possession of Block No.3.

Office is directed to draw Final Decree in terms of the preliminary decree passed in O.S.No.265/2020 dated 21-11-2022, with respect to suit Item No.1 and 2 schedule properties, subject to the payment of requisite court fees and furnishing stamp.

The Commissioner reports and survey sketches dated 11.11.2025 filed by the court commissioners shall form part and parcel of this Final Decree.

The Petitioner is at liberty to file a separate FDP with respect to Item No.3 schedule property.



No order as to cost, given the nature of the proceedings, relationship of the parties and the circumstances of this case.

(Dictated to the Stenographer directly on the computer, corrected by me and then pronounced in the Open Court in this 11th Day of June 2026.)

Sd/-
(BHARATHCHANDRA K S)
PRL.CIVIL JUDGE AND JMFC
TIPTUR

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