



**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.19/2024**

Dated this the 10th day of August 2026

Petitioners:- 1. Smt. Chandrakal W/o Ravish,
D/o Chandrashekaraiiah,
A/a:51 years

2. Smt. Arpiths S.R.W/o Rakesh,
D/o Ravish,
A/a:29 years

(By Sri. TKU, Advocate)

-V/s-

Respondents:- 1. Smt. Shivamma
W/o Chandrashekaraiiah,
A/a: 73 years,



2. Mallikarjunaiah

S/o Chandrashekaraiah,

A/a: 53 years,

3. Dayananda S/o Chandrashekaraiah,

A/a: 45 years,

All are R/at: Madhihalli village,

Kasaba Hobli, Tiptur taluk.

(By Sri. SS, 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.525/2021 dated 15.09.2023.

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

The petitioner had instituted a suit, which was registered as O.S.No.525/2021 against the respondents seeking partition and separate possession of the suit schedule properties, the said suit came to be decreed on 15.09.2023, declaring that the Petitioner No.1 and Respondents are each entitled for 1/4th share over the suit schedule property. 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. Upon service of notice the Respondents appeared before this court through their counsel.

4. Subsequently, by order dated 05.07.2025, this Court appointed the Tahasildar, Tiptur, as Court Commissioner to submit scheme of partition with respect to the suit schedule properties in terms of the preliminary decree. The Tahasildar, Tiptur submitted his report on 12.06.2026, along with thakte and sketch demarcating the specific shares of the parties in blocks.

5. Neither of the parties filed objections to the commissioner report inspite of giving sufficient opportunity.

6. The petitioner and respondent have not lead evidence.

7. Heard and perused the materials available on record.

8. 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.525/2021 dated 15.09.2023 for partition as per Section 54 of C.P.C.?

2. What order?



9. 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 ::

10. 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.

11. At the outset the operating portion of the decree passed in O.S.No.525/2021 dated 15.09.2023, is extracted as follows :-

“it is ordered and decreed that, the suit of the plaintiff is decreed-in-part.

Further, it is ordered and decreed that, Plaintiff No.1 and Defendants are each entitled to 1/4th share in the suit schedule property.

Further, it is ordered and decreed that, the suit of the Plaintiff No.2 is dismissed”

12. Therefore, as per the decree passed in O.S.No.525/2021 dated 15.09.2023, the Petitioner No.1 and Respondents are each declared to be entitled to 1/4th share over the suit schedule properties. The Petitioner No.2 does not derive any share in the



suit schedule properties.

13. This Court has carefully perused the entire Commissioner's report dated 12.06.2026 and the annexed documents, the sketches, statement and Thakte produced 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.

14. 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 report or not draw the final decree. Hence the commissioner report is hereby accepted. Accordingly, **Point No.1** is answered in the **Affirmative**.

15. 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 Order XX Rule 18 R/w Sec.54 of
Code of Civil Procedure, 1908, is hereby
allowed.



The commissioner report dated 12.06.2026 is hereby accepted.

Accordingly, the suit schedule property shall be divided; and the parties shall be put into their respective possession over the same, as per the commissioner report and allotment made therein.

Office is directed to draw Final Decree in terms of the preliminary decree passed in O.S.No.525/2021 dated 15.09.2023, with respect to suit schedule property, subject to the payment of requisite court fees and furnishing stamp.

The Commissioner report and survey sketches dated 12.06.2026 filed by the court commissioner shall form part and parcel of this Final Decree.

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 10th
Day of August 2026.

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

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