

**IN THE COURT OF THE SENIOR CIVIL JUDGE &
JMFC, LAXMESHWAR, SITTING AT : MUNDARGI**

Dated this the 14th day of November 2024.

PRESENT

Sri Bharath Yogeesh Karagudari

BAL., LL.M.,

Senior Civil Judge & JMFC,
Laxmeshwar, Sitting At: Mundargi

FDP No.37/2022

- PETITIONERS:**
1. Smt. Yankavva W/o Mallappa Kumkumgar,
Age: 64 years, Occu: House wife,
R/o Doni, Tq. Mundargi, Dist: Gadag.
 2. Smt. Gangavva @ Gangubai W/o Channappa
Chougale, Age: 60 years, Occu: House wife,
R/o Near Choutgalli, Shinoli, Kollapur,
Maharastra
 3. Smt. Mallavva W/o Maruti Chougale,
Age: 54 years, Occu: House wife,
R/o Near Choutgalli, Shinoli, Kollapur,
Maharastra
 4. Smt. Hanamavva W/o Basappa Bugutigar
Age: 44 years, Occu: House wife,
R/o Hagedagaddi Oni, Morageri,
Tq. Huvinhadagali Dist: Vijayanagar.

(By Sri B.G.M., Advocate)

VS.

- RESPONDENTS:**
1. Venkappa S/o Hanamappa Kumkumgar
Age: 62 years, Occ: Agriculture,
R/o Donie, Tq.Mundargi, Dist: Gadag.
Now at Hole-itagi, Tq. Shirahatti, Dist:Gadag
 2. Maruteppa @ Maruti Kumkumgar,
Age: 50 years, Occ: Agriculture,
R/o Donie, Tq.Mundargi, Dist: Gadag

(Ex-parte)

ORDER

1) This FDP petition is filed by the petitioner praying to draw the final decree by partitioning the suit schedule property in terms of the preliminary decree passed in O.S.No.92/2022 dt. 04-06-2022 on the file of Senior Civil Judge & JMFC, Laxmeshwar, Sitting At: Mundargi. Wherein, 1/6th share was allotted to the plaintiff and defendants therein. Therefore, the petitioner pray to carve out her 1/11th share to the petitioner.

2) After filing of the petition, notice was issued to the respondents, despite of service of the same they failed to appear before the Court. Accordingly they were placed Ex-parte. Thereafter, this Court by appointing ADLR, Mundargi as Court commissioner and issued Commissioner Warrant directing to partition the suit schedule properties as per compromise decree, based on which warrant, the Commissioner have filed the report executing the same.

3) Against the Commissioner Report, the petitioners states no objection and accepts the same.

4) Heard both the side.

5) The only point that arises for my consideration is:

Whether, the petitioner have made out grounds for drawing up of final decree?

6) My finding to the above point is in the **Affirmative**, for the following:

REASONS

7) On perusal of the entire records, it could be seen that the petitioners have filed CC of Judgment and decree in O.S.No. 92/2022 dt. 04-06-2022 on the file of Senior Civil Judge & JMFC Court, Laxmeshwar, Sitting at Mundargi Wherein, 1/6th share was allotted to the plaintiff and defendants in the suit schedule property. The petitioner is constrained to enforce the impugned preliminary decree which has attained finally for claiming their share in the property allotted to them. Respondents have not to appear and kept absent. Nothing is forthcoming on record that, the respondents have not preferred any appeal. The Court Commissioner ADLR Mundargi has filed his report on 10-09-2024. On scrutiny of the Commissioner Report, On scrutiny of the Commissioner Report, it shows, the Commissioner on complying the due procedure of law i.e. issuing notice to the parties, conducted mahazar and prepared sketch, has submitted the same to the Court. None have filed objections to Commissioner Report and accept the same. While the report submitted by the Court Commissioner is in accordance with the mandate of compromise decree passed in O.S.No.92/2022 dt. 04-06-2022, this Court is of the opinion that the petitioners have made out grounds to draw final decree. Accordingly, I answer this point in the **Affirmative** and proceed to pass the final order.

ORDER

The petition filed by the petitioners U/Sec.54 with U/O. 20 rules 18 of CPC is hereby allowed.

The allotment of share made in favour of the petitioners as well as respondents as mentioned in the Commissioner Report with annexed sketch is made absolute.

Draw final decree accordingly, on submission of non-judicial stamps.

The report filed by the Court Commissioner shall form part & parcel of the final decree.

(Typed to my dictation by the Stenographer, the same revised, corrected and pronounced by me on 14-11-2024).

sd/-

**(Bharath Yogeesh Karagudari)
Senior Civil Judge & JMFC,
Laxmeshwar, Sitting At: Mundargi**

(Order pronounced in open Court, vide separate)

ORDER

The petition filed by the petitioners U/Sec.54 with U/O. 20 rules 18 of CPC is hereby allowed.

The allotment of share made in favour of the petitioners as well as respondents as mentioned in the Commissioner Report with annexed sketch is made absolute.

Draw final decree accordingly, on submission of non-judicial stamps.

The report filed by the Court Commissioner shall form part & parcel of the final decree.

(Bharath Yogeesh Karagudari)
Senior Civil Judge & JMFC,
Laxmeshwar, Sitting At: Mundargi