

KAUK620001052022



IN THE COURT OF THE ADDL. CIVIL JUDGE AND JMFC.,
AT HONNAVAR.

:-PRESENT:

SRI. NAVIN KOPARDE
B.A., LL.B.,
Addl. Civil Judge & JMFC.,
Honnavar.

Dated this 01st day of September, 2026

FDP No.02/2022

Petitioner/s :- Ramachandra Mahabaleshwar Hegde,
Aged about 65 years,
Occ: Agriculturist,
R/o Mogehalla, Gersoppa,
Tq: Honnavar.

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

V/s

Respondent/s :

1. Ganesh Govinda Hegde,
Aged about 47 years
Occ: Agriculturist,
R/o Hadikal of Adukula village,
Tq: Honnavar.
2. Timmanna Mahabaleshwar Hegde,
Aged about 75 years,
Occ: Agriculturist,
R/o Mogehalla, Gersoppa,
Tq: Honnavar.
His legal heirs,
- 2(A) Subrahmanya Ramachandra Hegde,
Aged about 41 years

- R/o Mogehalla of Gersoppa village,
Tq: Honnavar.
3. Vishweshwar Mahabaleshwar Hegde,
Aged about 62 years
Occ: Agriculturist,
R/o Hadikal of Adukula village,
Tq: Honnavar.
4. Ganapati Mahabaleshwar Hegde,
Aged about 60 years
Occ: Agriculturist,
R/o Katagarkoppa, Shirali,
Tq: Bhatkal.
5. Smt. Bhagirathi Narayan Bhat,
Aged about 58 years
R/o Handigona,
Tq: Kumta.
6. Smt. Subbalaxmi Mahabaleshwar Hegde,
Aged about 50 years
Occ: Household,
R/o Subrahmanya, Mugva village(Surakatte)
Tq: Honnavar.
7. Shridhar Mahabaleshwar Hegde,
Aged about 40 years
Occ: Agriculturist.
R/o Subrahmanya, Mugva village(Surakatte)
Tq: Honnavar.
8. Smt. Jayanti Subray Bhat,
Aged about 42 years,
R/o Shirali, Tq; Bhatkal.

**(R-2(a), 3 represented by Sri. K.S.B,
Advocate, R-1, 4 to 8 are absent)**

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:-ORDER ON MAIN PETITION:-

This petition is filed by the petitioner under Order XX Rule 18 R/w 151 of C.P.C. praying this Court to draw the final decree in terms of preliminary decree passed by the Court in O.S.No. 71/2018 by effecting partition and division in suit properties by metes and bounds.

02. Description of the suit schedule property:

ಪರಿಶಿಷ್ಟ

ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲಾ ಹೊನ್ನಾವರ ತಾಲೂಕು ನಗರಬಸ್ತಿಕೇರಿ ಗ್ರಾಮಕ್ಕೆ ಸೇರಿದ ದಾವಾ
ಆಸ್ತಿಯ ವರ್ಣನೆ:-

ಜಂ.ನಂ.	ಸರ್ವೇ ನಂ.	ಹಿಸ್ಸಾನಂ.	ಕ್ಷೇತ್ರ	ಆಕಾರ	ತರಹೆ
1.	96	1	1-10-0 ಖ 0-2-0 ನಿಕ್ಕಿ 1-8-0	ರೂ. 3=39	ಹಿಸ್ಸಾಗಡಿ

03. The petitioners case in nutshell is as follows:

According to the petitioner, the petitioner had filed a suit in O.S. No.71/2018 for partition and separate possession of his share in the suit schedule property. After trial, this Court, on merits passed the judgment on 30.11.2021 and decreed the suit on 13-12-2021. After the decree, the petitioner for effecting the

partition as per the terms of the preliminary decree passed in O.S. No.71/2018 in respect of the suit schedule property by metes and bounds has filed this petition. After due service of notice to the respondents, the respondent No.2(a) and 3 appeared through their counsel and respondent No.1, 4 to 8 remained absent. Thereafter, this Court has appointed the Tahasildar, Honnavar, as the Court Commissioner vide order dated 09.12.2024 to effect partition of suit schedule property as per the preliminary decree passed in O.S. No. 71/2018.

04. In pursuance of the issuance of commission warrant the Court Commissioner has carried out the commission work and has submitted his report dated 21.02.2026 with statement, along with the sketch and enclosures.

05. Heard the arguments of petitioner and the respondents and perused decree passed in original suit along with the report of the court commissioner.

06. The points that arose for my consideration are as under.

:-P O I N T S:-

1. Whether the petition filed by the petitioner under Order XX Rule-18 R/w Section 151 of CPC and the Court Commissioner report required to be

accepted?

2. What order?

07. After going through the material available on record, my finding to the above points are as under:

Point No.1 : In the **Affirmative.**

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

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:-REASONS:-

08. Point No.1: It is the case of the petitioner that the petitioner had filed the suit in O.S. No.71/2018 for the relief of partition and separate possession, and that the suit was decreed by this Court. Thereafter, this Court has registered the FDP. In pursuance of the same, the Court has appointed a Court Commissioner. The Court Commissioner has carried out the commission work and filed a detailed commission report along with the enclosures. The both side counsels submitted no objection to the commission report.

09. On perusal of the document, it can be seen that the Court Commissioner had carried out the commission work in the presence of the petitioner and the respondent No.1(a), and he has bifurcated the portion of the petitioner's and respondents share. It

can be seen from the report and other enclosures that detailed work has been conducted by the Court Commissioner. The Court Commissioner has also prepared the sketch of the suit schedule property and bifurcated the share.

10. At this juncture, this Court has not come across any such infirmity or defects which make the report invalid. After considering the said report along with the sketch, this Court is of the opinion that the Court Commissioner's report is in accordance with the law, and the same is accepted by this Court. Hence, the final decree has to be drawn as per the report and sketch submitted by the Court Commissioner. In these facts and circumstances of the case, this Court is of the opinion that the parties to the petition have to bear their respective costs. With these observations, this Court has **answered Point No.1 in the affirmative.**

11. Point No.2:- For the reasons mentioned in the point No.1 this court proceeds to pass the following:-

ORDER

The petition filed by the petitioner U/o. XX Rule 18 R/w 151 of C.P.C., is hereby allowed with costs.

The petitioner and the respondents are entitled to their respective shares as per the commissioner report dated 21.02.2026 and the sketch.

The Court commissioner report and sketch enclosed thereto shall form part and parcel of final decree.

The petitioner and the respondents are directed to furnish the non- judicial stamps for drawing final decree.

Office is hereby directed to draw final decree in accordance with the Commissioner's Report and sketch as directed above after furnishing the non-judicial stamps by the parties.

(Dictated to the Stenographer directly on computer, typed by him, corrected by me and then pronounced in open Court on this 01st day of September, 2026)

Sd/-

(NAVIN KOPARDE)

**Addl Civil Judge & JMFC.,
Honnavar.**

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