

KAUK720000862025



**IN THE COURT OF THE SENIOR CIVIL JUDGE & PRL.
JMFC., KUMTA, AT; KUMTA, UTTARA KANNADA**

Dated this the 11th day of June, 2026

PRESENT

**Smt. B.S.Rayannawar, B.A., L.L.B.,
Senior Civil Judge
& Prl. JMFC, Kumta.**

FDP No.3/2025

Petitioner: Smt. Valagalli Vijayakumari
D/o. Nageshrao Valagalli
Age: 69 years,
Occ : Household,
R/o. L.P.G. 146C, Chaitanya Nagar,
Dharwad, Karnataka-580001

(By Sri. N.M.N., advocate)

V/s

**Respondent: Sri. Gajanan Narayan Shetty (deceased)
His LR's**

1. Smt. Roopa W/o.Venkatesh Kalmane
Age: 45 years,
Occ: Household,
R/o. No. 97/A, 8th Cross road,
AGP 2nd stage, J.S. Nagar,
Bengaluru-560096
2. Sri. Raghavendra Gajanan Shetti
Age: 42 years,
Occ: Business,

R/o. Kodlagadde, Ramanaguli
Taluk-Ankola-581314

3. Smt. Geeta W/o. Nagesh Shetti
Age: 41 years,
Occ: Household,
R/o. No.B 6, Suvidha Cottage,
Suvidha Colony, Keshavapura, Hubballi,
Dharwad-580023
4. Smt. Shweta W/o. Vinod Shetti
Age: 36 years,
Occ: Household,
R/o. No.316, Shettar Koppa,
Bhavikeri, Keni,
Ankola Taluk -581314
5. Smt. Sudha V. Shetti
Age: 72 years,
Occ: Household,
R/o. No. 97A, 8th Cross
Saraswatipuram,
Near Sushil Naydu Kalyan Mantapa
Nandini Layout, Bengaluru North
Bengaluru-560096
6. Sri. Sadananda Narayana Shetti
Age: 69 years,
Occ: Business,
R/o. No. 196, Arabail,
Yallapura Taluk-581337
7. Sri. Suresh Narayana Shetti
Age: 68 years,
Occ: Business,
R/o. Kodlagadde, Ramanaguli Post,
Ankola Taluk-581314
8. Sri. Shridhar Narayana Shetti
Age: 66 years,
Occ: Business,

R/o. Kodlagadde, Ramanaguli Post,
Ankola Taluk-581314

Leelabayi Nagesh Rao Valagalli (deceased)
Her Lr's

9. Smt. Vidya Vinayak Valagalli,
Age: 64 years,
Occ: Household,
R/o. No.32, Nagaleela Sadana
Defense Colony,
K.V.G. Bank, Belagavi Road,
Dharwad-580008
10. Smt. Varsha W/o. Niteesh Shivanand
Age: 34 years,
Occ: Private Job,
R/o. No.676, 20th Main road
Near Padmanabhanagar Hospital
Padmanabha Nagar,
Banashankari 11th stage,
Bengaluru-560070
11. Smt. Vinoda D/o. Vinayak Valagalli,
Age: 32 years,
Occ: Private Job,
R/o. No. 32, Nagalila Sadana
Defense Colony, K.C. Park
Dharwad-580008

Suvarna Nagesh Rao Valagalli (deceased)
Her Lr's

12. Smt. Sharada
D/o. Govindaraj Haravadekar,
Age: 24 years,
Occ: Private Job,
R/o. No. 2/40, Naduvinakeri Galli
Harawad, Taluk-Ankola-581316

Dattatreya Nagesh Rao Valagalli (deceased)
His Lr's

13. Smt. Gangubayi Valagalli,
C/o. Dattatreya Valagalli
Age: 60 years,
Occ: Household,
R/o. Flat No. A-001
Nilanjana Apartment
ISEC Main Road
Near Union Bank ATM
Nagabhavi, Bengaluru-560072
14. Smt. Shweta W/o. Vijay Kulakarni
Age: 39 years,
Occ: Private Job,
R/o. Panajikar Flat,
Last Bus Stop, Near Pratima
Heritage Apartment,
Saraswatpura, Dharwad-580002
15. Smt. Seema D/o. Dattatreya Valagalli
Age: 38 years,
Occ: Private Job,
R/o. Shree. Veerabhadreshwar Krupa
Near Guttala Compound
Emmikeri, Malamaddi
Dharwad-580007
16. Smt. Snehalata D/o. Dattatreya Valagalli
Age: 36 years,
Occ: Private Job,
R/o. No. 1046, Ranadamma Colony
Old Hubballi, 4th Cross
Nekara Nagar, Hubballi
Dharwad-580024
17. Sri. Manjunath Valagalli
C/o. Dattatreya Valagalli
Age: 33 years,
Occ: Private Job,

R/o. Flat No. A-001,
Nilanjana Apartment
ISEC Main Road, Near Union Bank ATM
Nagabhavi, Bengaluru-560072

18. Smt. Kamala Nageshwar Rao
Age: 59 years,
Occ: Govt Servant,
R/o. No. 304, Rituparna Apartment
Raddi Colony, Saraswatpur
Dharwad -580002

(R1 to 18 by Sri. S.D.N. advocate)

ORDERS

Petitioner has filed suit in O.S.No.23/2024 on the file of this Court against the respondents for partition and separate possession of the plaint schedule property. On 09.12.2024 the parties to the suit have filed joint compromise petition under Order XXIII Rule 3 of CPC with sketch. Now the appeal period is over and none of respondents have challenged the compromise decree.

2. As per compromise decree the petitioner is entitled for 1/10th share, the respondent no.1 to 4 are entitled for 1/10th share, respondent no.5 to 8 entitled for 1/10th share each, respondent no.9 and 10 entitled for 1/10th share, respondent

12 entitled for 1/10th share, respondent no.13 to 17 are entitled for 1/10th share and respondent no.18 is entitled for 1/10th share.

3. As per the said joint compromise petition, this Court was pleased to decree the suit and ordered to draw preliminary decree and this Court was pleased to further ordered that the aforesaid joint compromise petition as well as sketch are the part and parcel of the said decree.

4. After drawing preliminary decree, the petitioner filed this petition U/o XX Rule 18 R/w Sec 54 of CPC., to draw final decree in terms of preliminary decree passed by this court in O.S.No.23/2024.

5. On receipt of notice of this petition, though the respondent Nos.1 to 18 appeared through their counsels and filed their objections to this petition.

6. The respondent in their objection have admitted that they have got compromised suit as per compromised decree dated 09.12.2024. further admitted that they not filed any

appeal. Further prays to demarcate and allot the share to the respondent as mentioned in compromise decree.

7. Learned counsel for petitioner said no objection and consented to demarcate share as per compromise decree. Hence, The Tahasildar, Kumta was appointed as court commissioner to demarcate the properties as per compromise decree.

8. As per the order of the court, Tahasildar, Kumata was appointed as Court Commissioner to demarcate the suit property by metes and bounds. Suit property is landed property. The court commissioner has submitted his report on 01.04.2026. Counsel for plaintiff submits no objection to the commissioner report. In spite of sufficient opportunity the respondents not filed any objections to the commissioner report, hence objection to commissioner report by the respondents taken as nil. Commissioner report reveals that the court commissioner measured the property in the presence of parties. Hence the commissioner report accepted.

9. The property shown are landed properties. There are total three schedule properties situated in Gokarna Village, Kumta Taluk. Properties bifurcated to the share of the parties as follows:

1. The following properties demarcated to the share of **petitioner**:

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	I	0-0-18.40	0-0-8	0-0-10.40	0.04
358/1B	I	0-0-10.40	-	0-0-10.40	0.15
356/2B1	I	0-0-1.40	-	0-0-1.40	0.03

2. The following properties demarcated to the share of **Respondent no.1,2,3, and 4**:

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	II	0-0-18.40	0-0-8	0-0-10.40	0.04
358/1B	II	0-0-10.40	-	0-0-10.40	0.15
356/2B1	II	0-0-1.40	-	0-0-1.40	0.03

3. The following properties demarcated to the share of **Respondent no.5**:

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	III	0-0-10.40	-	0-0-10.40	0.04
358/1B	III	0-0-10.40	-	0-0-10.40	0.15
356/2B1	III	0-0-1.40	-	0-0-1.40	0.03

4. The following properties demarcated to the share of **Respondent no.6**:

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	IV	0-0-10.40	-	0-0-10.40	0.04
358/1B	IV	0-0-10.40	-	0-0-10.40	0.14
356/2B1	IV	0-0-1.40	-	0-0-1.40	0.03

5. The following properties demarcated to the share of **Respondent no.7**:

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	V	0-0-10.40	-	0-0-10.40	0.04
358/1B	V	0-0-10.40	-	0-0-10.40	0.14
356/2B1	V	0-0-1.40	-	0-0-1.4	0.03

6. The following properties demarcated to the share of **Respondent no.8**:

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	VI	0-0-10.40	-	0-0-10.40	0.04
358/1B	VI	0-0-10.40	-	0-0-10.40	0.14
356/2B1	VI	0-0-1.40	-	0-0-1.40	0.03

7. The following properties demarcated to the share of **Respondent no.9, 10 and 11:**

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	VII	0-0-10.40	-	0-0-10.40	0.04
358/1B	VII	0-0-10.40	-	0-0-10.40	0.14
356/2B1	VII	0-0-1.40	-	0-0-1.40	0.03

8. The following properties demarcated to the share of **Respondent no.12:**

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	VIII	0-0-10.40	-	0-0-10.40	0.04
358/1B	VIII	0-0-10.40	-	0-0-10.40	0.14
356/2B1	VIII	0-0-1.40	-	0-0-1.4	0.02

9. The following properties demarcated to the share of **Respondent no.13, 14, 15, 16 and 17:**

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	IX	0-0-10.40	-	0-0-10.40	0.04
358/1B	IX	0-0-10.40	-	0-0-10.40	0.14
356/2B1	IX	0-0-1.40	-	0-0-1.40	0.02

10. The following properties demarcated to the share of **Respondent no.18**:

Sy.No	Block No.	Total measuring	Kharabu	Remaining land	Assessment
358/1A	X	0-0-10.40	-	0-0-10.40	0.04
358/1B	X	0-0-10.40	-	0-0-10.40	0.14
356/2B1	X	0-0-1.40	-	0-0-1.40	0.03

10. Heard counsel for petitioner and respondents on feasibility, perused the petition, documents placed on record and the commissioner report. The court commissioner measured the property in the presence of parties as per the document, and demarcated the property as per preliminary decree, property allotted to the petitioner she can use and enjoy her share in the property. Hence, there is no impediment to accept the commissioner report, since it finds feasible. Hence, this court proceed to pass the following order.

ORDER

Petition filed by the petitioner is hereby allowed.

Draw final decree as per the Sketch and Watuptakte prepared by the Tashildar, Kumta. That the said Sketch and Watuptakte prepared by

the Taluk Surveyor, Kumta form the part and parcel of the said final decree.

No order as to costs.

(Directly dictated to the stenographer to the computer, corrected and then pronounced by me in the open Court on this the 11th day of June, 2026)

(B.S.RAYANNAWAR)

Senior Civil Judge & Prl JMFC
Kumta.