

**KAUK910001682023****IN THE COURT OF THE CIVIL JUDGE & JMFC., AT SIDDAPUR****Dated: 28<sup>th</sup> Day of July, 2026.****PRESENT: SRI. HARISHKUMAR. M. B.com, LL.B.  
CIVIL JUDGE AND JMFC AT SIDDAPUR****FDP NO. 4/ 2023****IN****OS No. 40/2015****Petitioner:**

1. Smt. Shyamala,  
W/o Subramanya Bhat,  
Aged about 50 years,  
Occ: Homemaker,  
R/at Shiralagi,  
Bikkalase Village,  
Siddapur Taluk.
2. Smt. Sujata  
W/o Subraya Bhat,  
Aged about 46 years,  
Occ: Homemaker,  
R/at Bijjala,  
Keremane Village,  
Siddapur Taluk,  
**(By Sri. G.S.H., Advocate)**

**V/s****Respondents:**

1. Smt. Sharada  
W/o Ganapati Hegde,  
Aged about 70 years,  
Occ: Homemaker/Agriculturist,  
R/at Aggere,  
Kavalakoppa Village,  
Siddapur Taluk,



2. Sri Shripad  
S/o Ganapati Hegde,  
Aged about 43 years,  
Occ: Agriculturist,  
R/at Aggere,  
Kavalakoppa Village,  
Siddapur Taluk,

3. Sri. Parameshwar  
S/o Ganapati Hegde,  
Age: 41 years,  
Occ: Agriculturist,  
R/at Aggere,  
Kavalakoppa Village,  
Siddapur Taluk,

**(Respondent No. 1 to 3 are absent)**

Date of Institution of the Petition : 15.03.2023  
Nature of the Petition : Final Decree Proceedings.  
Date of commencement of  
Recording of Evidence : Nil.  
Date on which the judgment  
Was pronounced : 28-07-2026  
Duration : Year/s Month/s Day/s  
03 04 13

**28.07.2026**  
**Civil Judge & JMFC,**  
**Siddapur.**



### **JUDGMENT**

1. This case arising out of the order passed in OS.No.40/2015 dated 16.12.2022 for drawing final decree as per the said Judgment.
2. The description of the petition schedule properties are as hereunder:

#### **'A' Schedule properties.**

| Sl.No | Sy.No  | Extent                            | Assessment | Village     | Taluk    |
|-------|--------|-----------------------------------|------------|-------------|----------|
| 1     | 129*/* | 1-13-00                           | 8-18       | Kavalakoppa | Siddapur |
| 2     | 137*/1 | 0-13-00                           | 10.09      | Kavalakoppa | Siddapur |
| 3     | 139*/2 | 0-04-00<br>and 0-02-00<br>0-02-00 | 1.21       | Kavalakoppa | Siddapur |
| 4     | 139*/3 | 0-02-04                           | 1.12       | Kavalakoppa | Siddapur |
| 5     | 140*/1 | 0-13-00                           | 10.09      | Kavalakoppa | Siddapur |
| 6     | 185*/3 | 4-01-00                           | 2.18       | Kavalakoppa | Siddapur |

#### **'B' Schedule property.**

Residential Mangalore tiled house bearing Panchayat No.4 situated within the limits of Bidrakan Gram panchayat, Siddapur Taluk.

3. The brief facts of the case is that, the petitioners are the plaintiffs in original suit and they have filed a suit in OS No. 40/2015 before this court against the respondents seeking for the relief of partition and separate possession over the Petition schedule properties and the said suit was partly



decreed by this court vide its Judgment dated 16-12-2022. Hence, this court has registered this final decree proceedings for enforcement of the decree.

4. After registering this petition, the notice was issued to respondents and the same was served to them, but they have appeared before the court and they have not contest the petition.
5. Thereafter, this court has appointed the Taluka Surveyor to conduct the local investigation and the court commissioner has submitted report and suggested scheme of partition. The petitioner has reported the appeal in R.A NO.11/2023 connected with 12/2023 and the Hon'ble Appellate court pleased to allowed RA No.11/2023 and modified the decree that, the plaintiffs and defendants have 1/5<sup>th</sup> share each in the suit schedule properties and the Hon'ble court pleased to dismiss the RA No.12/2023 which was filed by the defendant No.3.
6. In support of the case of the petitioners, they have not adduced any evidence. On the other hand the respondents were absent.
7. Heard, arguments of the Learned Counsel appearing for petitioners and this court perused the materials on record.
8. The following points arose for the consideration of this Court:



**1. Whether the Petitioners have made out grounds for allowing the Petition and thereby drawing the Final Decree?**

**2. What order?**

9. The findings of this Court on the above said points are as under;

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

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

### **REASONS**

10. It is a matter of record that the petitioners have filed OS No. 40/2015 on the file of this court against the respondents seeking for the relief of partition and separate possession of their share over the petition schedule properties. Thereafter, this court was partly decreed the said suit. Thereafter, the plaintiffs and defendant No.3 herein preferred an appeal in RA.No.11/2023 and RA No.12/2023 respectively before the Hon'ble Senior Civil Judge and JMFC at Sirsi. The Hon'ble court pleased to allowed the RA No.11/2023 and ordered that, the plaintiffs and defendants are entitled 1/5<sup>th</sup> share each in the suit schedule properties. The Hon'ble Court pleased to dismiss the RA.No.12/2023.

11. In spite of service of notice the respondents remained absent. Hence this court proceed with the case. Thereafter the Takuka Surveyor, Siddapur was appointed as court commissioner to suggest a scheme of partition in respect of



petition schedule properties and he has submitted report accordingly. The Assistant Executive Engineer has been appointed in respect of petition schedule B property and he has also submitted his report.

12. This court has carefully perused the report submitted by the Court Commissioners along with sketch in respect of petition schedule 'A' and 'B' properties. Before conducting local inspection the court commissioners have issued notice to both the parties. Further the court commissioners have submitted panchanama along with the report and it reveals that, the petitioners and respondents were present at the time of conducting local inspection, and the court commissioners have conducted local investigation and prepared sketch. Hence, this court is of the opinion that commission work conducted by the court commissioners and demarcating the share of the parties is in accordance with law and accordingly court commissioner report dated 27.03.2026 and 09.07.2026 are hereby accepted.
13. At this stage, it is relevant to discuss about the petition schedule properties. The Court Commissioners have submitted report by suggesting schedule of partition as per the order passed by this Court and they have also submitted sketch about the scheme of partition. As per the sketch submitted by the Court Commissioners appears that, they have suggested the scheme of partition by mentioning the names of the parties and bifurcated. The learned counsel



for the petitioners have submitted that the shares of the parties may be allocated as per the court commissioners report. Hence the petitioners and respondents are entitled for their share in the petition schedule properties as per the commissioner report.

14. Based on the above observations this court is of the opinion that, the petitioners herein made out grounds to allow the petition as prayed for, further 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.
15. **POINT No.2:** For the aforesaid discussion on Point No.1, this Court proceeds to pass the following:

### **ORDER**

**The Petition is hereby allowed on the following terms.**

**The Petitioners and Respondents are entitled for their share in the petition schedule properties. Hence the portions mentioned in the sketch prepared by the Court commissioners are allotted to the petitioners and respondents respectively.**

**The Court Commissioner report dated 27.03.2026 submitted by the Tahsildar, Siddapura and the court**



**commissioner report dated 09.07.2026 submitted by the Assistant Executive Engineer, PWD, Siddapura in respect of Petition Schedule properties along with the sketch is part and parcel of this Final Decree.**

**No Order as to costs**

**Draw Final Decree accordingly.**

(Dictated to the stenographer directly on the computer, corrected and then pronounced by me in the open Court on this the 28<sup>th</sup> day of July, 2026.)

**28.07.2026**

**Civil Judge and JMFC,  
Siddapur**





**A N N E X U R E**

1. **The witnesses examined on behalf of Petitioner/s:**  
-Nil-
2. **The documents marked on behalf of Petitioner/s:**  
-Nil-
3. **The witnesses examined on behalf of Respondent/s:**  
-Nil-
4. **The documents marked on behalf of Respondent/s:**  
- Nil -

28.07.2026

**Civil Judge and JMFC,  
Siddapur**

