

KAVN200021472024



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC
KUDLIGI**

PRESENT : SRI. YOGESHA J., B.A., LL.B.,

DATED THIS 24TH DAY OF MARCH, 2026

F.D.P. No.11/2024

PETITIONERS:

1) Peddakka,
W/o R. Hanumanthappa,
Aged 60 years.

2) Ramsh,
S/o R. Hanumanthappa,
Aged 39 years.

3) H. Nagaraja,
S/o R. Hanumanthappa,
Aged 29 years.

4) Sharadamma,
W/o Marappa,
Aged 34 years.

5) Saake Sunitha,
W/o seerappa,
Aged 36 years.

6) K. Shakuntala,

W/o Kamanna,
Aged 38 years.

7) Gangappa,
S/o Nagappa,
Aged 69 years.

8) Kamalamma,
W/o Ramappa,
Aged 54 years.

9) Srinivasa,
S/o Ramappa,
Aged 30 years.

10) Shilpa,
W/o Chandrashekara,
Aged 28 years.

11) Sangamitra,
D/o Ramappa,
Aged 24 years.

12) Giriyappa,
S/o Nagappa,
Aged 61 years.

13) Ramachandrappa.K.N.,
S/o Nagappa,
Aged 58 years.

14) Anjinappa,
S/o Nagappa,
Aged 54 years.

15) Chandrappa,
S/o Nagappa,
Aged 51 years.

16) Kavadi Dhananjaya,
S/o Nagappa,
Aged 46 years.

17) A. Anjinappa,
S/o Ramappa,
Aged 67 years.

18) Ramakka,
W/o R. Nagappa,
Aged 61 years.

19) Umesha,
S/o R. Nagappa,
Aged 25 years.

20) Dhananjaya,
S/o Ramappa,
Aged 59 years.

21) Gangadhara,
S/o R. Ramappa,
Aged 66 years.

22) Ramachandrappa,
S/o R. Ramappa,
Aged 57 years.

23) Lakshmakka,
W/o Lachappa,
Aged 58 years.

24) Jayanna,
S/o Lachappa,
Aged 40 years.

All are Agriculturists,
R/o Kasapura Village,
Gudekote Post,
Kudligi Town and Taluk,
Vijayanagara District.

(By Sri. T.M.S., Advocate)

V/s

RESPONDENTS:

1) Jayamma,
W/o Sanna Ramappa,
Aged 60 years.

2) Shivakumara,
S/o Sanna Ramappa,
Aged 42 years.

3) Govindappa,
S/o Sanna Ramappa,
Aged 40 years.

4) Girijamma,
W/o Chandrappa,
Aged 38 years.

5) Shivanna,
S/o Y. Ramappa,
Aged 40 years.

All are agriculturists,
R/o Kasapura Village,
Gudekote Post,
Kudligi Town and Taluk,
Vijayanagara District.

(R-1 to 4 by Sri. H.G.G.P., Advocate)
(R-5 Exparte)

ORDER

This petition is filed to divide and demarcate the shares of the parties as per the preliminary decree in O.S. No.72/2005 dated 28.06.2009 passed by this Court.

2. Petition averments in brief is that petitioner No.1 and father of petitioners No.2 to 6 R. Hanumanthappa, the father of petitioners No.7 to 16 R. Nagappa and father of petitioners N. 17 to 22 Ramappa and husband of petitioner No.23 and father of petitioner No.24 Lachappa have filed the suit in O.S. NO. 72/2005 on the file of this Court for petition and separate possession against the husband and father of respondent No1 to 4 Sanna Ramappa and father of respondent No.5 Y. Ramappa and the respondent No.5 in respect of the petition schedule properties. It is also submitted that the suit was decreed on 29.06.2009 by this Court in favour of petitioners declaring that the plaintiffs are

entitle for partition and separate possession to an extent of $\frac{1}{2}$ share in the petition schedule B and C properties. Even after the decree, respondents did not deliver the share of the petitioners. Hence, this petition is filed to demarcate the share as per the preliminary decree.

3. Respondents No.1 to 4 have appeared through their counsel, but they have not filed any objections to the main petition. The respondent No.5 though received notice has not appeared before the Court and placed exparte.

4. The petition schedule property is an agricultural land. Hence, Taluka Surveyor, Kudligi was appointed as Court Commissioner to divide and demarcate the shares of the parties as per the preliminary decree in respect of the petition schedule agricultural property to demarcate the share of the parties as per the preliminary decree. The Court Commissioner has submitted report.

5. Learned counsel for the respondents No.1 to 4 was absent on 19.03.2025, hence objections to the commissioner report taken as not filed. I have perused the commissioner report, he has done the commission work as per procedure

contemplated under law. Hence, commissioner reports were accepted and taken on record.

6. Heard the learned counsels appearing for the parties and perused the entire records.

7. Under the circumstances, the following points arises for consideration:

POINTS

1) Whether the petitioners are entitle to seek the order of final decree?

2) What order or decree?

8. The points framed for consideration are answered as as under:

Point No.1 : In the Affirmative

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

REASONS

9. **POINT No.1**:- The counsel for the petitioners has filed the petition U/o 20 Rule 18 R/w Sec. 151 of CPC for seeking

order to divide the shares of the parties by metes and bounds as per preliminary decree passed in O.S. No. 72/2005 and also maintained the application U/s 54 R/w 151 of CPC for seeking order to appoint the Taluka Surveyor to divide and demarcate the shares of the parties in respect of the the petition schedule property. The said I.A was allowed by this Court and the Court Commissioner visited the spot and conducted the survey and submitted the report before this Court.

10. I have perused the reports submitted by the Taluka Surveyor. He has done the commission work as per the procedure contemplated under law. Hence, report submitted by the commissioner is proper and correct. Hence, the report submitted by the commissioner are taken on record.

11. I have perused the report submitted by the Taluka Surveyor. He has done the commission work as per the procedure contemplated under law. Hence, report submitted by the commissioner is proper and correct. Hence, the report submitted by the commissioner are taken on record. On perusal of the judgment and decree passed by this Court, wherein it is held that the plaintiffs together are entitle to 1/2

share in respect of the suit schedule properties. As per the preliminary decree, the defendants together are also entitled to 1/2 share over the suit schedule properties. Hence, the shares of the plaintiffs is allotted in Block No.1 as shown in the commission survey sketch and Tippani in respect of the suit schedule properties. As per the preliminary decree, the defendants together are entitled to ½ share, in Block No.2 as shown in the commission survey sketch and Tippani in respect of the suit schedule properties. The survey sketch and Tippani submitted by the Court Commissioners shall be treated as part and parcel of the final decree. With this observation, Point No.1 framed for consideration is answered in the Affirmative.

12. **POINT No.2:-** In view of my answering point No.1 in the Affirmative, I proceed to pass the following:-

ORDER

Petition filed by the petitioner U/o 20
Rule 18 R/w Sec. 54 of CPC is hereby
allowed.

The ½ share of the
petitioners/plaintiffs together is allotted

in Block No.1 in respect of the petition schedule properties.

The $\frac{1}{2}$ share of the defendants together is allotted in Block No.2 in respect of the petition schedule properties.

Survey Sketch and Tippani submitted by the Court Commissioners shall be treated as part and parcel of the final decree.

Draw final decree accordingly.

(Dictated to the Stenographer, transcribed and computerized by him, corrected and signed by me and then pronounced in the open court on this 24th day of March, 2026)

(YOGESHA. J.)
Senior Civil Judge & JMFC,
Kudligi

(Order pronounced in the open Court)
(Vide separate orders)

ORDER

Petition filed by the petitioner U/o 20 Rule 18 R/w Sec. 54 of CPC is hereby allowed.

The $\frac{1}{2}$ share of the petitioners/plaintiffs together is allotted in Block No.1 in respect of the petition schedule properties.

The $\frac{1}{2}$ share of the defendants together is allotted in Block No.2 in respect of the petition schedule properties.

Survey Sketch and Tippani submitted by the Court Commissioners shall be treated as part and parcel of the final decree.

Draw final decree accordingly.

(YOGESHA. J.)
Senior Civil Judge & JMFC,
Kudligi