

KAVP510029452022



Presented on : 20-04-2022
Registered on : 21-04-2022
Decided on : 12-06-2026
Duration : 04 years/01 Month/21 days.

IN THE COURT OF CIVIL JUDGE & JMFC, SINDAGI

Present: Smt. Pankaja Konnur
B.A. LL.B.,
Prl.Civil Judge & JMFC,
Sindagi.

FDP No.25/2022

Dated this 12th day of June 2026

**Petitioner/
(Ori. Defendant No.4):**

1. Lalabai W/o. Tukaram Lamani, Age:60 years,
Occ: Household work, R/o._Benakotagi village,
Tq: Sindagi, Dist: Vijayapura.

(Sri.D.A.Chanagond, Advocate)

// Versus //

**Respondents/
Plf No.1A to 1D/
Dfs.No.3 & 5 to 19.**

1. Kasturibai W/o. Sanjeev Lamani,
Age:28 years, Occ:H.H.work,
R/o.Benakotagi, Tq.Sindagi.
2. Sunil S/o.Sanjeev Lamani,
Age:14 years, Occ: Nil,

3. Sonali D/o.Sanjeev Lamani,
Age:12 years, Occ: Nil,
 4. Krishna S/o.Sanjeev Lamani,
Age:10 years, Occ: Nil,
- since respondent No.2 to 4 are minors
represented by their natural mother
respondent No.1.
5. Raju S/o. Tukaram Lamani,
Age:32 years, Occ: Agriculture,
 6. Sharada W/o. Raju Chavan,
Age:30 years, Occ: H.H.work,
 7. Santosh S/o. Rupulu Lamani,
Age:35 years, Occ: Agriculture,
 8. Jayashree W/o. Thakaru Chavan,
Age:32 years, Occ: H.H.work,
 9. Shashikant S/o. Rupulu Chavan,
Age:40 years, Occ: Agriculture,
 10. Shevu S/o. Vithal Lamani,
Age:35 years, Occ: Agriculture,
 11. Prakash S/o. Seetu Lamani,
Age:30 years, Occ: Agriculture,
 12. Revu S/o. Vithal Lamani,
Age:55 years, Occ: Agriculture,
 13. Gangaram S/o. Vithal Lamani,
Age:45 years, Occ: Agriculture,
 14. Kesu S/o. Vithal Lamani,
Age:38 years, Occ: Agriculture,
 15. Rupalu S/o. Kesu Lamani,
Age:75 years, Occ: Agriculture,
 16. Chandu S/o. Vithal Lamani,
Age:62 years, Occ: Agriculture,

17. Hemalabai W/o. Seetu Lamani,
Age:52 years, Occ: H.H.work,
18. Seetu S/o. Vithal Lamani,
Age:65 years, Occ: Agriculture,
19. Chandibai W/o. Dhanu Chavan,
Age:50 years, Occ: H.H.work,
20. Kasturibai W/o. Laxman Chavan,
Age:53 years, Occ: H.H.work,

All are R/o.Benakotagi Tq.Sindagi.

(Sri.K.M.K, Adv. for R5 & R6)
(Sri.B.G.N. Adv. for R12, 13, 14 and 16)

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ORDER

This is final decree proceedings filed by the petitioner/plaintiff under Order 20 Rule 18 R/w. Sec.54 of C.P.C. from the decree passed in O.S.No-324/2011 dated 06.12.2018.

2. In the petition it is pleaded that, the petitioner who was the respondent No.4 in O.S.No.324/2011 filed a present petition against the respondent No.1, 2, 3 and 4 who were L.Rs of deceased plaintiff by name Sanju S/o. Tukaram Lamani in O.S.No. 324/2011 and other defendants No.5 to 20 are the defendant No.3 to 19 in O.S.No.324/2011 and said suit was decreed on 6.11.2018, wherein the said suit the defendant

No.1- Vitthal S/o. Peeru Lamani, defendant No.9, 11, 12, 13, 15, 17, 18 and 19 (respondent No.10, 11, 12, 15, 16, 17, 18 19 and 20) are each entitled to separate possession of their 1/10th share in the land bearing Sy.No.30 measuring 9 acres 25 guntas. The defendant No.3-Santosh (respondent No.4), defendant No.4- Lalabi (Petitioner of this case), defendant No.5 (respondent No.6), plaintiff No.1A to 1D (respondent No.1 to 4) are entitled for 1/160th share in land bearing Sy.No.30 measuring 9 acres 25 guntas. The respondent No.14-Kesu is the owner and possession of land bearing Sy.No.30 measuring 11 acres 03 guntas. On the basis of judgment and decree the petitioner come up with the final decree proceedings.

3. After registration of the case, the counsel by name Shri.K.M.K, Shri.B.G.N filed Vakalat for defendant No.1, 5, 6 and 12 to 14, 16, 18. Rest of the defendants have not been represented by any counsel. As per the order dated: 14.12.2023, objection is taken as not filed and Court Commissioner was appointed. Meanwhile the counsel by name Shri.BGN, Advocate filed Vakalat for defendant No.10, 19 and 20 along with the compromise petition for respondent No.10, 12, 13, 14, 16, 18, 19 and 20. Thereafter the case was adjourned for the

objections. The counsel for petitioner filed a detailed objection to said application stating that, only in order to cheat the petitioner and respondent No.1 to 6, the present application is filed. If the above said respondents are intended to entering into the compromise, if they have not relied on the para No.8 of the compromise petition and sketch map enclosed with the petition. Except that, for rest of things the petitioner does not have an objection.

4. Heard both sides.
5. The following points are arise for my consideration.
 1. Whether the court commissioner report deserve to be accepted?
 2. Whether the compromise petition filed by the respondent No.8, 12, 13, 14, 16, 18, 19 and 20 can be taken into consideration?
 3. Whether the final decree proceedings deserves to be allowed?
 4. What order?
6. My findings to the above Points are as follows:

POINT NO.1 : In the Affirmative
POINT NO.2 : In the Affirmative
POINT NO.3 : In the Affirmative
POINT NO.4 : As per final order, for the following;

REASONS

7. **POINT NO.1 to 3**: Since, these points are inter connected to each other, hence, I have taken up these points together for common discussion to avoid the repetition of facts of the case.
8. The present Final Decree Proceedings is filed by the petitioner/plaintiff for partition and separate possession of her share in the suit property it appears that, the plaintiff has filed suit in O.S.No.324/2011, for partition and separate possession, was decreed in favour of the petitioner and respondents.
9. As in this case there is no objection to the report of ADLR, Sindagi as the ADLR submitted his report along with the documents. As per the report, eastern side portion has been allotted to the petitioner and while arguing the matter the counsel for respondents also submitted no objection for the same. Only thing is that, the counsel for respondents prays to permit them to enter into the compromise petition as per compromise petition.
10. I have gone through the compromise petition filed by the respondent No.9, 11, 12, 13, 15, 17, 18 and 19, wherein as

per the judgment and decree, they have also got share in land bearing Sy.No.30 measuring 9 acres 25 guntas, the respondent No.15, 17, 18, 19 have given up their 1/9th share in favour of defendant No.9, 11, 12, 13 and possession also handed over to them, the defendant No.18-Chandabai W/o. Dhanasigh Chavan and respondent No.19-Kasturibai W/o. Laxman Jadhav they have given up their rights in favour of defendant No.9, 11, 12 and 13 by taking the 10 grams gold by the defendant No.15, he himself given his share in favour of defendant No.17 and even they admitted for there is 12 feet existence of road towards southern side to northern side. On perusal of the contents, it seems to be a voluntarily and lawful, hence the respondents at liberty to give up their shares in favour of anybody. Therefore on perusal of the Court Commissioner and its closures, compromise petition, the respondent No.10, 12, 13, 14, 16, 18 to 20 are permitted to enter into the compromise petition as per the terms and conditions.

11. From perusal of the records of the ADLR, Sindagi, this court is of the opinion that, the Court Commissioner has carried out

the commission work correctly and he has effected the partition as per the decree of O.S.No.324/2011. Hence, for all these reasons, I am of the opinion that, the court commissioner's report is proper and deserves to be accepted. Accordingly, the present final decree proceedings also deserves to be allowed. Therefore, I answer points No.1 and 2 in the affirmative.

12. **POINT No.3:** In view of findings on above points, I proceed to pass the following:

ORDER

The Final Decree Proceedings filed by the petitioner/plaintiff is hereby allowed.

The suit properties with respect to defendant No.10, 12, 13, 14, 16, 18 to 20 allotting shares as per compromise petition and the petitioner, respondent No.1 to 9, 15, 17 are entitled to get their shares as per the judgment and decree of O.S.No.324/2011.

The court commissioner report shall form the part of the final decree.

The compromise petition is part and partial of
the decree.

Office is directed to draw final decree
accordingly.

(Dictated to the stenographer directly on computer, typed by him,
corrected, signed by me and then pronounced in the open court on this
the 12th day of June -2026.)

(Smt. Pankaja Konnur)
Prl.Civil Judge & JMFC,
Sindagi.