



IN THE COURT OF SENIOR CIVIL JUDGE, YADGIRI.

PRESENCE

Sri. Balasaheb Wadavade

B.com.,LL.B.,

Senior Civil Judge and CJM, Yadgiri

DATED THIS THE 2nd DAY OF June, 2026

FDP. No.03/2025

- PETITIONER:**
1. Yalguresh S/o late Siddanna
@ Siddappa Kalkeri, Age 20 years,
Occ: Agriculture, R/o Village Hunsagi,
Tq: Hunsagi, Dist: Yadgiri.
 2. Siddanna @ Siddappa
S/o Bannappa died by L.Rs;
 - (a) Channa Bassamma W/o late Siddanna
@ Siddappa Kalkeri, Age: 40 years,
Occ: House hold, R/o Village Hunsagi,
Tq: Hunsagi, Dist: Yadgiri.

(Petitioner is represented By Sri.S.B.P, Adv.)

Vs

- RESPONDENTS:**
1. Basalingamma W/o Mallappa
Kondguli, Age: 58 years,
Occ: House hold, R/o Hunasigi,
Behind S.B.H. Branch Hunsagi,
Tq: Hunsagi, Dist: Yadgiri.
 2. Siddanna S/o Basavaraj Saladgi,
Age, 30 years, Occ: Private servant
R/o Village Rastapur, Tq: Shahapur,
Dist: Yadgiri.
 3. Meenakshi W/o Sddanna (D/o Siddanna
@ Siddappa) Saladgi, Age: 23 years,
Occ: House hold, R/o Village Rastapur,
Tq: Shahapur, Dist: Yadgiri.

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4. Chandrakala W/o Veeresh (D/o Siddanna @ Siddappa), Age: 21 years, Occ: House hold, R/o Village Haldal, Tq: Manvi, Dist: Raichur.

(Respondents No.1 to 4 are ex-parte.)

JUDGMENT

This is a petition filed by the petitioner under section 54 Code of Civil Procedure, 1908 by seeking prayer to pass the final decree as per preliminary decree passed in O.S.No.32/2016 dated 29.02.2024.

The facts of the petitioner's case are as under,

2. The petitioner and respondents were filed a suit bearing O.S. No.32/2016, seeking prayer for partition and separate possession of their shares against respondent No.1 to 4 in the suit scheduled property before this Hon'ble court and same was decreed on 29.02.2016. Further this petition is not stayed by the Hon'ble appellate courts. Hence they have prayed to allow the petition.

3. The notice of the petition were served upon the respondents, They have not appeared, hence they are placed ex-parte. Hence case was posted for further steps.

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4. Heard arguments of the learned counsel for the petitioners. Perused the case papers.

5. The points that have arisen for my consideration are as under;

Point No.1: Does the petition deserves to be allowed?

Point No.2: What order?

6. My answer to the above points are as under;

Point No.1: In the affirmative.

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

R E A S O N S

7. **Point No.1:** Perused the case papers it reveals that this is a petition filed by the petitioners being aggrieved with the preliminary decree of O.S.No.32/2016. Further, the petitioners have produced the certified copy of the preliminary decree of O.S.No.32/2016, perused the same, it reveals that petitioners were filed a suit for partition and separate possession in O.S.No.32/2016 and said suit was decreed on 29.02.2024. The respondents have not appeared. Further this matter is not stayed by the Hon'ble appellant court. Hence, judgment and decree of O.S.No.32/2016 is binding against respondents. In

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this petition, the petitioners have filed an interim application No.I by seeking prayer appoint the A.EE, Yadgiri as court commissioner and said interim application was allowed and appointed AEE of CMC, Yadgiri as court commissioner on 02.03.2026. As per order on the interim application No. I, A. E.E. of the CMC.,Yadgir has furnished a report on 01.02.2026. The learned counsel for the petitioners have submitted that no objection to court commissioner report. Further respondents have not filed an objection to court commissioner report by appearing. Hence court commissioner report dated 01.02.2026 is accepted. If this petition is not allowed then the petitioners would not enjoy the fruits of the preliminary decree of OS.No.32/2016 and it would not cause any hardship to the respondents. Therefore this court has come to conclusion that the petitioners are entitled the relief sought in the petition. Thus, on the above said reasons and to meet the ends of justice this court answers the point No.1 in the affirmative.

8. Point No.2. In view of the reasons stated in the point No.1 this court proceeds to pass the following;

**ORDER**

A petition filed by the petitioners under section 54 of Code of Civil Procedure is hereby allowed.

Acting under order 20 rule 18 of CPC.

The suit property are plot bearing No.10 and 11 measuring 25 X 30 feet being part of MPL NO.12, situated at town extension area block No.5 behind inspection Bangalow station area, Yadgiri town, out of it plot No.10 is allotted to the share of petitioners and plot No.11 is allotted to the share of respondents.

Further maps of the suit property is the part and parcel of the final decree.

No order as to costs.

Draw final decree accordingly.

(Typed by me on the laptop, corrected, signed and then pronounced by me in the Open Court on this the 2nd day of June, 2026)

(Balasaheb Wadavade)
Sr. Civil Judge & CJM
Yadgir.



A N N E X U R E

Witnesses examined on behalf of petitioner:

- Nil -

Documents marked on behalf of petitioner:

- Nil -

Witnesses examined on behalf of respondents:

- Nil -

Documents marked on behalf of respondents:

- Nil -

(Balasaheb Wadavade)
Sr. Civil Judge & CJM
Yadgir.