

KAMD310011452024



**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC,
AT: MADDUR**

Dated: 2nd day of July 2026

Present:

K.GOPALA KRISHNA

B.A.L.,LL.B.,

I Addl. Civil Judge & JMFC, Maddur

F.D.P. No.12/2024

- Petitioner:** 1. Chikkamayamma W/o Thibbegowda
D/o Late. Chikkahydegowda.,
Aged about 66 Years,
R/o Arekal Doddi Village, C.A. Kere Hobli,
Maddur TQ, Mandya District.
2. Kalavathi W/o Late. Shivanna.N.K
D/o Late. Chikkahydegowda.,
Aged about 62 Years,
R/o Nagarakere village,
Kasaba Hobli Maddur TQ
Mandya Dist.
3. Lalitha W/o Shankaregowda,
D/O Late. Chikkahydegowda.,
Aged about 60 Years,
R/O Nellur village, Kasaba Hobli,

Malavalli TQ, Mandya DISt.

(By Shri.H.N.S., Advocate)

V/s

Respondents :1. Subbegowda dead by Lrs,

1(A) Mahadevamma W/o Late.Subbegowda
Aged about 55 years,

1(B) Smt. Shruthi.D.S. W/o Vinukumar
Aged about 34 years,

1(C) Smt. Sushma.D.S. W/o Manohara.
Aged about 32 years,

1(D) Subhash.D.S. S/o Subbegowda.
Aged about 30 years,

1(E) Suraksha D/o Subbegowda
Aged about 28 years,

Respondent No 1A,1D,1E are
R/O Doddarasinakere village,
CA.Kere Hobli, Maddur TQ.

Now all are R/o Annur village,
CA.Kere Hobli, Maddur Taluk

(Exparte)

ORDERS ON PETITION

The petitioners have filed the present petition under
section 54 of CPC seeking the plaintiffs are filed a suit against

the defendants for relief of partition and separate possession of their 1/4th share over the suit schedule properties in O.S.No. 376/2023 on the file of this court after contest the suit came to be decreed on 19-01-2024 declaring that the each plaintiffs and defendant are entitled to 1/4th share in all the suit schedule properties.

2. In spite of the judgment and Decree dated:19-01-2024, the defendant did not care to allot the share of the plaintiffs in spite of several demands and they keep quiet. The plaintiffs are legally entitled for their 1/4th share in all the suit schedule properties by metes and bonds as per decree passed by this court. Hence, this petition to draw the final decree in accordance with the preliminary decree dated 19-01-2024 passed in O.S.No.376/2023. As per the preliminary decree passed in O.S. No.376/2023 dated 19.01.2024 to the extent of 1/4th share of the plaintiff/petitioner.

3. The notice was duly served on the respondents. The respondents have appeared before the court through their counsel, but, not filed objection to the main petition or commissioner's report.

4. On the basis of Judgment and decree passed in O.S.No.376/2023, preliminary decree was drawn by order dated

19-01-2024 by ascertaining 1/4th share to the plaintiffs/petitioners in the suit schedule properties by metes and bounds to the petitioners herein.

5. Thereafter the predecessor in office of this court had appointed the Tahashildar, Maddur as court commissioner vide order dated 30.06.2025 for effecting partition in the suit property. Accordingly, commissioner warrant was issued. As per the commissioner warrant, the ADLR and PWD Engineer, Maddur, has submitted his report on 02.03.2026 and 31.07.2025.

6. Inspite giving sufficient opportunities, both sides have not filed objections to the commissioner report.

7. Heard arguments of the learned counsel for the petitioner. Basing on the report of the court commissioner and materials available on record, the following points would arise for consideration of the court.

:POINTS:

1] Whether the petition deserves to be allowed on accepting the report of the court commissioner?

2] What order?

8. On the basis of all the materials available on record, the answer of this court to the above points is as under:

- Point No.1 : In the ***Affirmative***,
Point No.2 : As per final order for the following:

REASONS

9. **POINT NO.1:** The petitioners/plaintiffs have filed a suit in O.S.No.376/2023 for partition and separate possession of the suit schedule properties. The said suit came to be allowed holding that the plaintiffs/petitioners are entitled for 1/4th share each in the suit properties by metes and bounds.

10. In the present petition, the respondent has not appeared appeared before the court and hence placed exparte.

11. In compliance of the commissioner warrant, the ADLR and PWD Engineer, Maddur, has submitted their reports after completion of the commission work. I have perused the court commissioner's reports. The court commissioner's issued notice to the parties report consist of RPAD receipts for having issued notice to the parties, statement of the parties, Tippana, Watup-Thakta and 'A' and 'B' sketches. Inspite of sufficient opportunity, the counsel for the petitioners have not filed objections to the commissioner's report. The counsel for the petitioners submitted that no objections to commissioner report. Hence, I am of the opinion that the court commissioner's report deserves to be accepted and the petition deserves to be

allowed. Accordingly, I answer point No.1 is in the **Affirmative**.

12. **POINT NO.2** : In view of my answer on point No.1, I proceed to pass the following ;

ORDER

The petition filed by the petitioners U/Sec.54 of CPC, is hereby allowed.

The report of the Court Commissioner's dated 02.03.2026, 31.07.2025 effecting partition of petitioners 1/4th share each in the suit properties are hereby accepted as per decree passed in O.S. No.376/2023 dated 19.01.2024.

Draw final decree accordingly.

The report of the court commissioner's dated 02.03.2026 and 31.07.2025 shall form part and parcel of this decree.

(Dictated to the steno directly on computer, computerized by him corrected by me and then pronounced in the open court on this 2nd day of July 2026).

(K. GOPALA KRISHNA)
I Addl. Civil Judge & J.M.F.C, Maddur.