



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 16TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.23746/2022 (GM-CPC)

BETWEEN:

RAVI S/O LATE CHALUVAIAH
AGED ABOUT 32 YEARS
R/O. BASTIPURA VILLAGE
BELAGOLA HOBLI
SRIRANGAPATNA TALUK-571 606.

...PETITIONER

(BY SRI. SRINIVAS V, ADV.,)

AND:

1. CHALUVAMMA
W/O MARIDEVAIAH
AGED ABOUT 58 YEARS
R/O. BASTIPURA VILLAGE
BELAGOLA HOBLI
SRIRANGAPATNA TALUK-571 606.
2. BORAMMA
W/O CHALUVAIAH
AGED ABOUT 55 YEARS
R/O. GANJAM-571 438
SRIRANGAPATNA TALUK.
3. KALAI AH
S/O LATE BORAI AH
AGED ABOUT 73 YEARS.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



4. PUTTAMMA
W/O LATE HALAIAH
AGED ABOUT 68 YEARS.
5. GURUMURTHY
S/O LATE HALAIAH
AGED ABOUT 49 YEARS.
6. SMT. KUMARI
W/O LATE SHIVANNA
D/O LATE HALAIAH
AGED ABOUT 53 YEARS
R/AT HOTEL THIMMANNA RASTE
BEHIND HULIYAMMA TEMPLE
KYATHAMARANAHALLI VILLAGE
MYSORE-570 019.
7. PRABHAMANI
W/O LATE BHAGYARAJ
D/O LATE HALAIAH
AGED ABOUT 41 YEARS.
8. INDRAMMA
W/O LATE RANGASWAMY
D/O HALAIAH
AGED ABOUT 39 YEARS.
9. KAMALAMMA
W/O LATE CHALUVAIAH
AGED ABOUT 55 YEARS.

RESP NOS.3, 4, 5, 7, 8 AND 9 ARE
ALL R/AT BASTHIPURA VILLAGE
BELAGULA POST
SRIRANGAPATNA TALUK
MANDYA DISTRICT
KARNATAKA STATE.

10. MAHALAKSHMI
W/O CABAL RAJU
AGED ABOUT 30 YEARS



R/O. BEHIND CHIKKAGARADI GANJAM
SRIRANGAPATNA TALUK-571 606.

11. JYOTHI
W/O RAVI
AGED ABOUT 26 YEARS
R/O. 5TH CROSS, IDARAGUNDI
NAZARBAD MOHALAL
MYSORE-570 012.
12. MAMATHA
W/O RAGHAVENDRA
AGED ABOUT 24 YEARS
R/O NO.181, 3RD CROSS
RAGHAVENDRA NAGARA
MYSORE-570 012.
13. THYAGARAJU
S/O PAPAIAH
AGED ABOUT 74 YEARS
R/O. ANANDURU VILLAGE
BELAGOLA HOBLI-571 606
SRIRANGAPATNA TALUK.
14. THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD (K.I.A.D.B.)
NEAR VIKRANTH FACTORY
METAGALLI POST, MYSORE-560 037.
15. NAYANA ACCHAPPA
W/O B.K. ACCHAPPA
AGED ABOUT 51 YEARS
R/O. NO. 19, LALITH MAHAL ROAD
MYSORE-571 311.

...RESPONDENTS

(BY SRI. P.V. CHANDRASHEKAR, ADV., FOR R14
R1 CHALUVAMMA – SD
R2 BORAMMA – SD AND UNREPRESENTED
V/O/DTD:05.01.2023, NOTICE TO R3 TO R13 AND R15 ARE
D/W)



THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 11.08.2022, PASSED ON I.A.NO II IN FDP NO 05/2018 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND JMFC AT SRIRANGAPATNA VIDE ANNEXURE-F TO THE WRIT PETITION AND CONSEQUENTLY DISMISS THE I.A NO II FILED BY THE R1 AND R2 & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 11.08.2022 passed in FDP No.5/2018 by the Principal Senior Civil Judge and JMFC, Srirangapattana (for short, 'the FDP Court').

2. Heard Sri.Srinivas V., learned counsel for the petitioner and Sri.P.V.Chandrashekar, learned counsel for the respondent No.14.

3. The respondent Nos.1 and 2 have filed a suit in O.S.No.77/2006 for partition and separate possession which came to be decreed vide judgment dated 28.02.2015. The said judgment and decree was assailed



by the defendant in R.A.No.5023/2015. It is to be noticed that the regular appeal filed by the defendants was not contested. The same was dismissed for non-prosecution on 28.03.2017. The order of the Appellate Court in R.A.No.5023/2015 dated 28.03.2017 was assailed in Misc. No.5003/2017 which was rejected by the III Additional District and Sessions Judge, Mandya (sitting at Srirangapattana, vide order dated 06.10.2018 on the ground of delay. The said order was assailed by the petitioner and others in Civil Revision Petition No.609/2018.

4. It is to be noticed that this Court vide order dated 02.03.2023 allowed the civil revision petition and restored the regular appeal in R.A.No.5023/2015. It is submitted at the Bar that the regular appeal came to be dismissed on merits vide judgment dated 02.12.2023 which was assailed in R.S.A.No.11/2024 which is pending before this Court. It is to be noticed that the present proceeding is arising out of an order passed by the FDP



Court on I.A.No.2 wherein the petitioner's application under Order XXVI Rule 13 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'the CPC') for appointment of the Court Commissioner was allowed and the FDP Court has appointed the Tahsildar / ADLR, Srirangapattana, as the Court Commissioner and ordered to demarcate item Nos.1 to 5 of the suit schedule properties as per the preliminary decree. It is to be noticed that this Court in R.S.A.No.11/2024 has stayed the drawing up of the final decree proceedings.

5. When things stood thus, in my considered view, the proceeding pending before the FDP Court is with regard to the drawing up of final decree and the FDP Court has ordered to appoint the Court Commissioner to demarcate the properties as per the preliminary decree. In my considered view, there is no stay of further proceedings of FDP No.5/2018 by this Court in R.S.A.No.11/2024. Hence, there is no impediment for the FDP Court to proceed further. However, it shall not draw



the final decree proceedings. Hence, the impugned order appointing the Competent Officer to demarcate the suit schedule properties as per the preliminary decree is in consonance with law and facts and does not call for any interference.

6. Learned counsel for the petitioner is unable to point out any error in the impugned order and this Court, in the regular second appeal has only stayed the drawing up of final decree proceedings. Hence, there is no impediment for the Court Commissioner to carry out the exercise as ordered in the impugned order.

7. The writ petition is devoid of merit and is accordingly disposed of.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE