

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND  
SESSIONS JUDGE AT BENGALURU**

Dated this the 6<sup>th</sup> day of March 2026

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,  
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)  
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

**F.D.P.No.80/2017**

**PETITIONER** : Smt.Venkatalakshmi.

V/s

**RESPONDENTS** : Sri.Mulubagalappa & others.

i.	Provision under which the application is filed	Section 151 of the Code of Civil Procedure.
ii.	Reliefs sought for	To put the schedule property for auction as per the report of the Court Commissioner.
iii.	The date on which the application is filed	05.04.2025
iv.	Number of the application	I.A.No.X
v.	The date on which the objection is filed	Not filed.
vi.	The date on which the order was passed on the said application	06.03.2026

**ORDERS ON COMMISSIONER REPORT AND I.A.No.X**

The petitioner has filed this petition under Order XX Rule 18 and 12 R/w Section 54 of the Code of Civil

Procedure seeking an order to pass final decree in terms of the preliminary decree by dividing the suit schedule properties into 6 equal shares by metes and bounds along with mesne profits as per the preliminary decree passed in O.S.No.1145/2010.

2. After due service of notices to the respondents, respondents No.1, 4 and 5 have appeared before this Court. During the pendency of the petition, the 5<sup>th</sup> respondent was reported as dead and her LRs on brought on record.

3. Considering I.A.No.IX filed by the petitioner under Order XXVI Rule 13 and 14 of the Code of Civil Procedure, the Court Commissioner was appointed to effect partition of the petition schedule property. The Court Commissioner filed his report along with rough sketch stating that the existing building in the suit schedule property cannot be divided into 6 parts/ shares and to allot to the respective sharers.

4. The petitioner and respondents No.1 and 5(a) have filed objections to the Report of Court Commissioner. They have prayed to consider the sketch and photographs filed by the Court Commissioner by allotting 1/6<sup>th</sup> share each to the petitioner and respondent No.5(a) in the petition schedule property.

5. The 1<sup>st</sup> respondent in the statement of objections prayed to divide the property into 6 shares i.e., 12 X 24 feet each and put the share into their respective shares.

6. The learned Counsel for the 1<sup>st</sup> respondent has filed written arguments on Commissioner Report.

7. The petitioner filed I.A.No.X under Section 151 of the Code of Civil Procedure to sell the suit schedule property in public auction as per the Report of the Court Commissioner.

8. In support of I.A.No.X, the petitioner has filed her affidavit.

9. The learned Counsel for LR's of respondent No.5 has submitted no objections to allow I.A.No.X. Respondents No.1 and 4 have not filed objections to I.A.No.X

10. Heard the learned Counsels for the petitioner and respondent No.5(a) on Commissioner Report and I.A.No.X. Perused the materials available on record.

11. The following point that has been arisen for my consideration:

*Whether the Report of Court Commissioner is liable to be accepted and the schedule property is required to be auctioned in the public auction ? If so, what order?*

12. My answer to the above point is in the Affirmative for the following:

### **REASONS**

13. As aforesaid, the preliminary decree passed in O.S.No.1145/2010 dated 29.01.2011 is for partition and separate possession of 1/6<sup>th</sup> share of each plaintiffs in the suit schedule property by metes and bounds. The respondents are entitled for remaining 1/6<sup>th</sup> share each.

For the purpose of dividing the suit schedule property, this Court appointed the Court Commissioner who file the Report stating that the suit schedule property cannot be divided into 6 shares. It appears that the suit schedule property is a house property which is measuring East to West 36 feet and North to South 48 feet. It appears from the Report of the Court Commissioner and the materials available on record that the suit schedule property is not fit for divide 6 shares by metes and bounds. Therefore, the Report of the Court Commissioner needs to be accepted and the property should be auctioned in the public auction to divide the sale consideration amount of the suit schedule property between the sharers. For the above reasons, the Report of Court Commissioner is liable to be accepted and the schedule property is required to be auctioned in the public auction. Hence, I answer the above point in the Affirmative. In the result, I proceed to pass the following :

**ORDERS**

The Report of the Court  
Commissioner is accepted.

I.A.No.X filed by the petitioner under Section 151 of the Code of Civil Procedure is hereby allowed.

It is ordered to auction the suit schedule property.

The parties to this proceedings are at liberty to file necessary applications in accordance with law if any of them are intending to purchase the share of the other sharers in the suit schedule property.

No order as to cost.

(Typed the Stenographer in the Court Computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court today on this the 6<sup>th</sup> day of March 2026).

**(VEDAMOORTHY B.S.)**

XXXI Addl. City Civil & Sessions Judge,  
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,  
Bengaluru.