

11-11-2024

ORDER ON IA No.14 and 15

Shri. I.F.T., Advocate for respondent No.1(a) to 1(d) and respondent Nos.3(1) to 3(3) has filed I.A. No.14 U/O.26 R.13 and Section 54 of CPC for appointment of ADLR, Belagavi as Court Commissioner to demarcate the suit Schedule-B properties in RS No.14/1 measuring 01 acre 11 guntas, 02 gunta kharab, to an extent of 01 acre 09 guntas, RS No.14/3 measuring 06 acres 34 guntas and RS No.14/5 measuring 36 guntas, 02 guntas kharab, to an extent of 34 guntas, situated at Veerapanakoppa village, Tq: Belagavi as per modified preliminary decreed passed in O.S. No.20/2003 dated 27-02-2024 and 27-06-2024 the respondent Nos.1(a) to 1(d) and respondent Nos.3(1) to 3(3) are together entitled 1/ 6th share in suit Schedule-B properties.

Shri. I.F.T., Advocate for respondent No.1(a) to 1(d) and respondent Nos.3(1) to 3(3) has filed I.A. No.15 U/O.26 R.13

and Section 54 of CPC for appointment of ADLR, Bailhongal as Court Commissioner to demarcate the suit Schedule-A properties in RS No.351/1 measuring 06 acres 07 guntas, RS No.292/1B+2 measuring 01 acre 30 guntas, RS No.292/4A/2 measuring 01 acre 01 gunta, RS No.546/1A measuring 02 acres 04 guntas, RS No.133/1A measuring 03 acres 18 guntas and RS No.129 measuring 10 acres 14 guntas, situated at M.K. Hubballi village, Tq. Bailhongal, as per modified preliminary decreed passed in O.S. No.20/2003 dated 27-02-2024 and 27-06-2024 the respondent Nos.1(a) to 1(d) and respondent Nos.3(1) to 3(3) are together entitled 1/ 6th share in suit Schedule-A properties.

In the accompanying affidavit the applicant/ respondent Nos.1(b) Sri. Ishwar Rudrappa Sampagar @ Sampagavi has sworn to the fact that, the applicants/respondent Nos.1(a) to 1(d) as per III Modified preliminary decree passed in O.S. No.20/2003 dated 27-02-2024 are together entitled for 1/ 6th share in suit Schedule-B properties are; RS No.14/1 measuring 01 acre 11 guntas, 02 gunta

kharab, to an extent of 01 acre 09 guntas, RS No.14/3 measuring 06 acres 34 guntas and RS No.14/5 measuring 36 guntas, 02 guntas kharab, to an extent of 34 guntas, situated at Veerapanakoppa village, Tq: Belagavi and on 27-06-2024 as per IV Modified Preliminary decree passed in O.S. No.20/2023 the respondent Nos.3(1) to 3(3) are together entitled for 1/ 6th share in Schedule-B properties are; RS No.14/1 measuring 01 acre 11 guntas, 02 guntas kharab, to an extent of 01 acre 09 guntas, RS No.14/3 measuring 06 acres 34 guntas and RS No.14/5 measuring 36 guntas, 02 guntas kharab, to an extent of 34 guntas, situated at Veerapanakoppa village, Tq: Belagavi

It is further sworn to the fact that the applicants/respondent Nos.1(a) to 1(d) as per III Modified preliminary decree passed in O.S. No.20/2003 dated 27-02-2024 are together entitled for 1/ 6th share in Schedule-A properties are; RS No.351/1 measuring 06 acres 07 guntas, RS No.292/1B+2 measuring 01 acre 30 guntas, RS No.292/4A/2 measuring 01 acre 01 guntas, RS No.546/1A measuring 02 acres 04 guntas, RS No.133/1A

measuring 03 acres 18 guntas and RS No.129 measuring 10 acres 14 guntas, situated at M.K. Hubballi village, Tq. Bailhongal, and on 27-06-2024 as per IV Modified Preliminary decree passed in O.S. No.20/2023 the respondent Nos.3(1) to 3(3) are together entitled for 1/ 6th share in Schedule-A properties are; RS No.351/1 measuring 06 acres 07 guntas, RS No.292/1B+2 measuring 01 acre 30 guntas, RS No.292/4A/2 measuring 01 acre 01 gunta, RS No.546/1A measuring 02 acres 04 guntas, RS No.133/1A measuring 03 acres 18 guntas and RS No.129 measuring 10 acres 14 guntas, situated at M.K. Hubballi village, Tq. Bailhongal. Therefore to demarcate the said suit Schedule-A and B properties the ADLR Belagavi is to be appointed as Court Commissioner and also submit commissioner report before the court. If the applications are not allowed they will be put to loss or hardship and if allowed there will not be caused any loss or hardship to other side. Hence they prayed for allowing the applications.

Perused the records.

The petitioners have filed this petition for praying for final decree.

Accordingly, the applicants/ respondent No.1(a) to 1(d) and respondent No.3(1) to 3(3) have filed I.A.No.14 and 15 for demarcation of their share in the suit schedule-A and B properties as per III and IV Modified preliminary decrees. On the other hand the counsel for the petitioner has submitted that he has no objection to allow the applications. Under such circumstances, there is no legal impediment to allow the I.A. No.14 and 15 as prayed. Accordingly, I.A. No.14 & 15 are hereby allowed in the ends of justice.

The ADLR Belagavi and ADLR Bailhongal are hereby appointed as Court Commissioner to demarcate the suit Schedule Schedule-A and B properties in terms of III and IV Modified Preliminary decree as stated above suggesting the scheme of partition and submit their report.

Both the Court commissioners fees fixed at Rs.2000/- each.

Office to issue commissioner warrant to the ADLR, Belagavi and ADLR, Bailhongal for demarcation of share of the applicants/ respondent No.1(a) to 1(d) and 3(1) to 3(3) in the suit Schedule-A and B properties as per III and IV modified

preliminary decree passed in OS No.20/2003, if the applicants/ respondent No.1(a) to 1(d) and 3(1) to 3(3) paid P.F., and deposit the commissioner fee so stated above.

Await commissioner report by 07/12/2024.

Senior Civil Judge,
Bailhongal.