

KACM510001752023



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND  
JMFC AT N.R.PURA, ITINERATE AT KOPPA**

**Present:** Smt.B.S.Rayannawar, B.A.,L.L.B.,  
Senior Civil Judge & JMFC.,  
N.R.Pura, Itinerate at Koppa.

**Dated this the 04<sup>th</sup> day of January 2024**

**FDP No.04/2023**

Petitioner : Mr. B.A.Jayantha,  
S/o Late Annegowda,  
Aged about 66 years, Agriculturist,  
Resident of Belavinakudige,  
Kodooru village, Hariharapura  
Hobli, Koppa Taluk,  
Chikkamagalur District.

V/s.

Respondents: 1. Mr. B.A.Jayaprakash,  
S/o Late Annegowda,  
Aged about 52 years, Agriculturist,  
Resident of Belavinakudige,  
Kodooru village, Hariharapura  
Hobli, Koppa Taluk,  
Chikkamagalur District.

2. Smt.Saroja @ Rosalina Periera.  
W/o Late B.A.Jayarama  
@ B.A.Lokesh,  
Aged about 46 years,



3. Mr. Sapthagiri,  
S/o Late B.A.Jayarama  
@ B.A.Lokesh,  
Aged about 28 years,

Respondents No.2 and 3 are  
residents of Balebylu in Thirthahalli  
Town and Taluk, Shimogga District.

**ORDER**

The petitioners have filed the present petition under Section 54 and Order 20 rule 18 of CPC to draw final decree by measure and demarcate the schedule properties fallen to the share of petitioner and respondents and to hand over the possession of the ½ share in item no.1 to 3 and 1/3<sup>rd</sup> share of the petitioner out of the suit schedule properties in OS No.12/2019.

2. In view of the order dated 05.08.2023 the Taluk surveyor court commissioner, conducted commissioner work and submitted the report on 02.11.2023 to which the petitioner filed his objections.



3. In its order dated 05.08.2022 this court directed the court commissioner to survey and demarcate item No.1 to 4 property.

4. As per the direction court commissioner conducted survey in respect of land Sy.No.44/2, 44/4, 46 , 263 of Kodooru village. But learned counsel for petitioner filed his objections to the commissioner report submits that, the court commissioner not fixed the boundaries of the property, commissioner work not done as per the memo of instruction. The court commissioner visited the spot but not demarcated the property of petitioner and respondents the sketch prepared in the office which creates dispute between the parties, Hence the sketch prepared by the surveyor is not proper. The commissioner not followed the rules, not followed the memo of instructions hence the report submitted by the court commissioner which is not acceptable. Hence prays to reject the commissioner report.



5. The commissioner has failed to demarcate the property, as per memo of instructions. That the commissioner has failed to demarcate and allot the property convenient to the parties, the commissioner has failed to carry out the measure as per the survey. Hence prays to reject the commissioner report submitted on 30.10.2023. hence I proceed to pass the following:

**ORDER**

The commissioner report dated 06.10.2023 submitted by court commissioner is hereby rejected.

Re-issue commissioner warrant to court commissioner to re-execute the commissioner warrant in respect to item No.1 to 4 property. in accordance with the preliminary decree.

(Typed by me on laptop and then pronounced in the open court this the 04<sup>th</sup> day of January, 2024).

Sd/-

**(B.S.Rayannawar)**

Senior Civil Judge & JMFC.  
N.R.Pura, Itinerate at Koppa.