

**ORDER ON COMMISSIONERS REPORT WITH  
RESPECT TO PETITION SCHEDULE  
ITEM NO.1 AND 2 PROPERTIES.**

The present final decree proceedings have been initiated based on the judgment and preliminary decree under OS No.136/2005, dated 10.09.2007, wherein, the said suit was decreed by allotting 2/9th share in favour of 2<sup>nd</sup> plaintiff – Kumari: Rajatha, 1/9th share in favour of Smt.

T.V. Indumathi (1<sup>st</sup> defendant), 4/9<sup>th</sup> share in favour of T.K. Venkatesh Prasad, (2<sup>nd</sup> defendant), 2/9<sup>th</sup> share in favour of T.K. Sathish Chandra (3<sup>rd</sup> defendant) with respect to suit schedule item No.1 to 3 properties. Since, the item No.1 and 2 properties are the landed properties, ADLR, Kadur has been appointed as court commissioner for demarcation and make a proposal for division by metes and bounds with reference to the beneficial enjoyment of respective sharers. The petition schedule item No.1 property is measuring 2 acre 01 guntas situated in Sy.No.405 situated at Hiriyangala village, Kadur Taluk and petition schedule item No.2 property is 2 acre 14 guntas of land in Sy.No.69, situated at Linglapura village, Kadur Taluk. The learned court commissioner after conducting spot inspection, has submitted his report, which is mark under Ex.P-2. On a reference to the same, the learned court commissioner has demarcated the property in Sy.No.405 measuring 2 acre 02 guntas into III blocks as reflected in the sketch consisting of Block No.I – 36 guntas, Block No.II – 36 guntas and Block No.III 09 guntas and allotted Block No.II in favor T.K. Venkatesh Prasad (2<sup>nd</sup> defendant), Block No.II in favour of Smt. T.K. Indumathi (1<sup>st</sup> defendant) and kept an extent of 36

guntas as per RTC. Similarly, the item No.2 property in Sy.No.69 measuring 2 acre 14 guntas excluding 02 guntas kharab has been divided into three blocks, wherein, Block No.II, measuring 1 acre  $\frac{3}{4}$  guntas in favour of T.K. Venkatesh Prasad (2<sup>nd</sup> defendant) and 10 and half guntas in favour of Smt. T.K. Indumathi (1<sup>st</sup> defendant). The remaining property i.e., 1 acre  $\frac{3}{4}$  guntas has been kept as per RTC.

As per the preliminary decree, the petition schedule item No.1 and 2 properties needs to be divided into four parts, wherein, the 2<sup>nd</sup> plaintiff – Kumari – Rajatha is entitled for 18 guntas + 21 guntas (2/9<sup>th</sup> share), Smt. T.V. Indumathi is entitled for 09 guntas + 10 and half guntas (1/9<sup>th</sup> share), Sri. T.K. Venkatesh Prasad is entitled for 36 guntas + 42 guntas (4/9<sup>th</sup> share) and Sri. T.K. Sathishchandra is entitled for 18 guntas + 21 guntas (2/9<sup>th</sup> share), but the commissioner's report with respect to item No.1 and 2 properties demonstrate that the defendants No.1 and 2 have only been allotted with specific share which is squarely in derogation with the directions under the preliminary decree. The respective sketches under Ex.P-2 also does not disclose that specific boundaries as well. Thus, for all the aforesaid reasons, it is found essential to set aside the

commissioner's report as far as with respect to petition schedule item No.1 and 2 properties and issue fresh directions to the ADLR, Kadur to demarcate the petition schedule item No.1 and 2 properties by giving preference to the beneficial enjoyment of all the respective sharers by providing road facility and mentioning specific boundaries in compliance with the preliminary decree and to make a proposal for feasible division thereof. Hence, the following:

**ORDER**

The commissioner's report marked under Ex.P-2 dated 22.05.2019 with respect to petition schedule item No.1 and 2 properties is rejected.

Further, the Tahasildar / ADLR, Kadur is appointed as court commissioner to demarcate the petition schedule item No.1 and 2 properties by giving preference to the beneficial enjoyment of all the respective sharers by providing road facility and mentioning specific boundaries in compliance with the preliminary decree in OS No.136/2005, dated 10.09.2007

and to make a proposal for feasible division thereof.

The petitioners are directed to pay additional commissioner's fee of a sum of Rs.5,000/- directly to the court commissioner and submit a report to that effect.

The respective sharers under the decree are directed to submit their memo of instructions directly to the learned court commissioner within 05 days from the date of appointment order.

The learned court commissioner is directed to make a specific note of the fact that this petition is of the year 2014 and shall conduct survey as expeditiously as possible and file report possibly within a period of one month from the date of receipt of this order.

Issue fresh commissioner warrant, if PF paid: 13.07.2026.

(Dictated to the Stenographer directly on computer, typed by him, printout taken, correct and then pronounced by me in the open court today this the 10<sup>th</sup> day of June – 2026).

Senior Civil Judge,  
KADUR.

FDP 12/2014