

**ORDER ON REPORT SUBMITTED BY
SURVEYOR COURT COMMISSIONER**

The Court commissioner appointed by this Court in the present Petition has submitted a Report as to difference of measurement of land in Re. Sy. No.84/७/7 of Pashupatihal village, Kundgol taluka.

2. Learned counsel for Petitioner has submitted that, previously in the suit filed by them in OS. No.63/2017, it is the Judgment and Decree passed by this Court in respect of land in Re. Sy. No.84/7 measuring 00.26 guntas of Pashupatihal village, Kundgol taluka which was the suit schedule property in the above mentioned suit. The suit came to be Decreed and the Plaintiffs were entitled for 1/8th share each. Likewise, Defendant No.2 to 4 were entitled for 1/6th share each in the suit schedule Agricultural land.

3. The Petitioners in respect of present Petition previously in OS. No.63/2017 submitted RTC in respect of land in Re. Sy. No.84/7 of Pashupatihal village and as per RTC the extent is 00.26 guntas. Previously, the Court commissioner submitted a requisition submitting that the land in Re. Sy. No.84/ω and Re. Sy. No.84/7 he has shown 00.09 annas excess to 00.26 guntas and now he has filed Report stating that the available land in Re. Sy. No.84/ε/7 is only 00.24 guntas and there is 00.02 guntas less, as such it is not possible for him to execute the Commissioner Warrant.

4. It is the submission of Learned counsel for Petitioner that, the surveyor without visiting spot only by relying upon the documents available with them is submitting irrelevant Reports and only when the surveyor visits the spot and carries out the measurement it will be revealed about the fact as to availability and non availability, existence and non-existence of the Petition schedule property and until then it cannot be held that the land in Re. Sy. No.84/7 is to what extent?

5. On careful perusal of previous Report and present Report submitted by the 2 different surveyors, this Court finds it just and proper to issue directions to concerned Court commissioner to visit the spot and to carry out measurement work so as to ascertain the availability of actual portion of land and

thereafter to demark the same as per the Preliminary Decree passed by this Court towards the respective share of the Petitioners and Respondents. Hence, without further discussion this Court proceeds to pass the following,

ORDER

The Court Commissioner Sri. M. R. Yatnalli is hereby directed to visit the spot and carry out measurement work and ascertain the exact available portion of land and also to demark the said land as per the Preliminary Decree passed by this Court after compliance of Statutory Provisions to carry out survey work.

Office to re issue Commissioner Warrant if proper PF paid.

Both the parties to file their respective memo of instructions without unnecessary delay.

For submitting Court commissioner Report. Call on 25.03.2025.

Sd/-
(Smt. Gayatri)
Civil Judge & JMFC.,
Kundgol.