

ORDER ON MEMO DATED
20.11.2024.

The petitioners have filed a memo stating that, they have settled the dispute in respect of item No.2 of suit schedule 1 property and item No.1 & 2 properties of suit schedule 2 property.

In terms of above settlement, the petitioners prayed to dismiss this petition in respect of aforesaid properties and continue the proceedings in respect of item No.1 of suit schedule 1 property.

Respondent No.10 who claiming to be the purchaser of item No.1 of suit schedule 1 property contested the case and filed objection to the memo and contended that, he has purchased the same through a registered sale dated 23.06.2001 and thereafter, the petitioners had filed suit for partition and obtained preliminary decree.

Unless his share and rights are determined, the parties should not permit to settle the dispute continuing the proceedings only in respect of property which he has purchased.

Admittedly, the petitioners not settling the entire suit properties. The alleged settlement is only in respect of properties which is not purchased by respondent No.10.

It is a well settled law that, the purchaser of a joint family property is entitle for the share of his vendor.

In this case, the share of vendors of respondent No.10 needs to be determined and the same has to allot to the respondent No.10.

Hence, the memo filed by the petitioners is not sustainable in the eye of law.

Accordingly, the memo is hereby dismissed.

For taking further steps by
04.12.2025.

Sd/-

Prl. C.J. & JMFC Court,
Ranebennur.

