

ORDER ON COMMISSIONER REPORT

The respondent No.9 has filed objection to the report submitted by Taluka surveyor, Ranebennur stating that the Taluka Surveyor without visiting the suit properties, prepared the report at his office as per the say and convenience of the petitioners. Further, the Taluka Surveyor has not allotted particular block to the particular party and hence, it is not feasible and prays to reject the report submitted by the Taluka Surveyor, Ranebennur.

2. Heard the counsel for petitioners. Inspite of sufficient opportunity, the counsel for respondent No.1 not submitted hearing. I have perused the records.

3. The point that arise for my consideration is:

Whether respondent No.9 has made out sufficient grounds to reject the report submitted by the Taluka Surveyor, Ranebennur. ?

4. My findings to the above point is **in the Negative** for the following:

REASONS

5. It is the objection of respondent No.9 that the report submitted by Taluka surveyor, Ranebennur stating that the Taluka Surveyor without visiting the suit properties, prepared the report at his office as per the say and convenience of the petitioners. Further, the Taluka Surveyor has not allotted

particular block to the particular party and hence, it is not feasible and liable to be rejected.

6. In the light of above contention of respondent No.9, I have gone through the report submitted by the Taluka Surveyor, Ranebennur. On perusal of documents produced by the Taluka Surveyor, Ranebennur along with the report, it appears that the Taluka Surveyor has issued notice to all the parties and postal receipts are found in the record. On perusal of statement and report it appears that the Taluka Surveyor, Ranebennur has visited the suit properties and carried out commission work in the presence of petitioner Nos.1, 2 and son of petitioner No.3 and defendant Nos.4 to 6. Therefore, respondent No.9 has not made out sufficient grounds to reject the report submitted by the Taluka Surveyor, Ranebennur.

7. Though in the objection respondent No.9 contended that no particular block has been allotted to particular party, but the Court-Commissioner has no power to allot the same. However, the court-commissioner can prepare scheme of partition on the basis of fertility of the soil and other geographical features of the suit properties. On the other hand, it is the duty of the court to allot the particular block to the parties. Hence, the objections raised by respondent No.9 is not sustainable. Accordingly, I answer the above point in the **Negative** and I proceed to pass the following:

O R D E R

The objection filed by respondent No.9 to the report submitted by Taluka Surveyor, Ranebennur, is hereby rejected.

Call for enquiry.

Call on : 06-12-2023.

**III Addl. Senior Civil Judge
& JMFC., Ranebennur.**