

Matter is called out. Parties are absent. The present Petition is filed to allot the share of Petitioner as per the judgment passed by this court in O.S. No. 57/1993. The said judgment was challenged in RA. 31/2001 and went up to the Hon'ble High Court of Karnataka in 2<sup>nd</sup> appeal. The 2<sup>nd</sup> appeal was dismissed. Thereafter commissioner was appointed and he filed report. OS 57/1993 decreed to give 1/3 share in the schedule properties. Chance was given to the respondent to file objection to report of commissioner. Even after 2 hearing dates non of the respondent filed objection.

The commissioner filed report with sketch mentioning 3 divisions in the schedule properties. Suppose the report of the commissioner is wrong it could have been objected by the aggrieved party but it is not being opposed.

The Petitioner counsel filed memo to allot the share in Sy.No.364, 363, 362, 357/1 of Tayuru Village. No enquiry on commissioner report because it is not opposed. The Respondent may claim their share and that should not be disturbed. The respondent also not filed objection to the memo submitted by petitioner. Therefore memo is accepted and office is directed to draw final decree by allotting the share to Petitioner if non judicial stamps given. Hence matter is closed.

sd/-

SCJ, Ngud