

The petitioner filed an application under Section 151 of CPC praying to revoke the order dated: 24.04.2013 and to consider the same under the final decree.

The application is accompanied by an affidavit sworn by the petitioner – Sri. Malleshappa. In his affidavit he has stated that he is a petitioner No.(f) in the above case. His father – Sri.Hondyappa

filed the case. During the pendency of the suit his father died. Thereafter, his legal heirs brought on record. In final decree proceedings he has filed an application to delete item No.2. As per application given by him, Court has passed an order dated: 24.4.2013 and deleted item No.2, they have partitioned all the properties under preliminary decree except this property. At the time of registration of other properties he could not able to get revenue sketch in respect of item No.2 of schedule property, for which he had filed an application to delete the same. Now he is ready to partition as per preliminary decree, for which item No.2 of schedule under the final decree dated: 11.4.2011 may be revoked and permitted him to take share as per preliminary decree.

After filing of the application, notice was issued to the respondents, but respondents did not appear before Court.

On perusal of records of F.D.P.No.2/2007, the applicant filed an application under Section 152 of CPC praying to amend the decree.

In the affidavit Sri.Malleshappa has stated that, Court already passed final decree with regard to Sy.No.97, 21/1 and house property. When he present the same for registration and surveyor for prepare the sketch under 11E, but they expressed with regard to Sy.No.97 and there is some difficulty to prepare sketch. Hence, it is not possible to register the

decree. Hence, he prays to exclude Sy.No.97 in the final decree and further, he has stated that he will press his right to get final decree with respect to Sy.No.97 latter.

After filing of this application, my learned Predecessor passed an order on 24.4.2013 by allowing application filed by the petitioner and directed office to issue rectified final decree by deleting Sy.No.97. Now the petitioner praying to revoke the order to get share in Sy.No.97. The rights of the parties already decided, due to some technical reason on file of application by the petitioner, Sy.No.97 was deleted from final decree. If the order passed by this Court dated: 24.4.2013 is recalled, no hardship will cause to either of the parties. The parties can get final decree with respect of Sy.No.97 and also they can register the same before competent authority. Accordingly deletion of Sy.No.97 in final decree is revoked.

Office is directed to rectify final decree by adding Sy.No.97.

Prl. Sr.C.J. & JMFC.,
Bhadravathi.