

ORDER

This petition is registered after preliminary decree in O.S No. 82/2020 for division of share in the suit property by metes and bounds. As such after appearance of the parties, this court has appointed Sri. DHN advocte as court commissioner to demarket the schedule property as per the preliminary decree.

The court commissioner has filed his report on 19-08-2024. Thereafter, the petitioner counsel has filed objection stating that, the entire report and sketch submitted by the Taluk Surveyor, Bhatkal is incomplete, it is submitted that, Taluk Surveyor has not conducted survey in respect of the property in Survey No.125 Hissa 4A measuring 11-08-08(A-G-A) paiki 11-04-06(A-G-A) situated at Belke Village, Bhatkal Taluk, Uttara Kannada of the suit schedule property. Hence, the incomplete report and sketch submitted by the Taluk Surveyor is not acceptable. It is the duty of concerned authority to rectify the mistakes mentioned in survey report. Hence prays to issue direction to the Taluk Surveyor to reconduct the survey of the suit property.

The counsel for the respondent No.1 and 2 orally objected to the commissioner report and submitted that, the court commissioner has not surveyed the property in Survey No. 125 Hissa 4A measuring 11-08-08(A-G-A) paiki 11-04-06(A-G-A) situated at Belke Village, Bhatkal Taluk, Uttara Kannada. Perused the records and commissioner report.

The advocate commissioner has filed report stating that, due to variation regarding extent in the RTC and in the survey records, the property in Survey No.125 Hissa 4A measuring 11-08-08(A-G-A) paiki 11-04-06(A-G-A) situated at Belke Village, Bhatkal Taluk, Uttara Kannada is not surveyed by the Surveyor. It is the duty of the court commissioner to comply the direction of the court. But in the present case, same is not done so. In the absence of demarkation of the above said property, the report of commissioner will be incomplete and parties to the suit may not get the fruit of the preliminary decree. Therefore, I proceed to pass the following:

ORDER

The court commissioner is direct to demarket the property in Survey No. 125 Hissa 4A measuring 11-08-08(A-G-A) paiki 11-04-06(A-G-A) situated at Belke Village, Bhatkal Taluk, Uttara Kannada, as per the preliminary decree by metes and bounds with the help of Taluk Surveyor after correcting the variation of the extent in the RTC and the survey records of the above said property.

Issue commissioner warrant.

Issue intimation to Taluk Surveyor,
Bhatkal.

Await commissioner report
by 29-01-2025.

Sd/-

Addl. Civil Judge
and JMFC Bhatkal