

ORDER

This petition has been filed by the petitioner for division of property as per preliminary decree in O.S No. 18/2014.

After appearance of parties, this court has appointed the Tahashildar Bhatkal as the court commissioner for division of property as per preliminary decree in OS No. 18/2014, then the court commissioner has filed his report dated: 21-12-2024.

For the said report, both the counsels for the parties who appeared before this court submitted no objection.

On perusal of the court commissioner report, it is noticed that, the commissioner has not conducted his commission work as per preliminary decree by metes and bounds. In the report, the court commissioner stated that, since the respondent No. 5(a) to (g) and

respondent No.3(a) to (f) were not present in the suit property at the time of survey, he has not divided their share in the suit property. In the present case, this court has drawn preliminary decree with respect suit property. It is duty of the court commissioner to give proposal of the property division as per the preliminary decree, he has nothing to do with respect to the presence and possession of the parties. Therefore, it is clear that, the court commissioner has not divided the suit schedule properties by metes and bounds as per the preliminary decree. The above said incomplete report of the commissioner may cause multiplicity of proceedings. Hence, I proceed to pass the following:

ORDER

The court commissioner report dated: 21-12-2024 is hereby rejected.

The court commissioner is directed to divide the properties by metes and bounds between all the

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parties who are entitled for the share as per preliminary decree and also directed to file his report without causing any further delay.

Issue commission warrant.

Await report by 24-09-2025.

Sd/-

Addl. Civil Judge and
JMFC, Bhatkal.