

ORDERS On I.A.No.II

Petitioners filed the I.A.No.II U/s 2 of Partition Act and requested to give permission to sale the petition schedule property instead of division. Petitioner No.1 G. Raju Poojary filed the affidavit and stated that: he and other petitioners had filed O.S.No.103/2021. On 02-08-2022, court passed the judgment and declared that, petitioners and respondent are entitled for 1/4th share each. This petition is filed for execution of preliminary decree of O.S.No.103/2021. The extent of petition schedule property is 3 cents and it is contained as small tiled house. The property is not literally possible to divide. If the property is divided, each party gets less than one cents. Such being the case, it is necessary to sale the petition schedule property.

On perusal of the petition, extent of the petition schedule property is (60 links x 50 links) 3 cents. The court declared that: petitioners and respondent are entitled for 1/4th share each. If 3 cents is divided as 4

cents, each party will get less than 1 cents. Such being the case, in the opinion of court sale the petition schedule property for the highest market rate and distribute the sale consideration among them as per their share is good. Hence, pass the following:

ORDER

I.A.No.II filed U/s 2 of Partition Act is hereby allowed.

Petitioners and respondent are permitted to sale the petition schedule property and divided the sale consideration in accordance with their share.

ORDERS ON I.A.No.III

Petitioner No.1 filed the I.A.No.III U/s 3 of the Partition Act and requested to grant leave, to purchase the petition schedule property. In the affidavit petitioner No.1 stated that: the court decree the O.S.No.103/2021 and declared that, petitioners and respondent are entitled for 1/4th share each. The extent of petition schedule property is 3 cents. If 3 cents is divided as 4 shares, each

party will get less than 1 cents. He intends to purchase the property. He requested to consider the application.

In O.S.No.103/2021, the court declared that, petitioners and respondent are entitled for 1/4th share each. The extent of petition schedule property is 3 cents. If 3 cents is divided as 4 shares, each party will get less than 1 share. Such being the case it is better to sale and distribute the sale consideration among them is good.

Petitioners and respondent are co sharer to the petition schedule property. Such being the case, they are having some attachment over the petition schedule property. If third party purchased the property it will effect the feelings of petitioners and respondent. Moreover, in Hindu Succession Act explained that, if the family property is brought to sale, then shall give priority to the other co sharers. If no one co sharer is not showing any interest to purchase the property, then the property may be sale to the third parties. In the present petition, petitioner No.1 is one of the co sharer and he intends to

purchase the property. Such being the case, giving permission to the petitioner No.1 is necessary in the interest of justice. Hence, pass the following:

ORDER

I.A.No.III filed U/s 3 of the Partition Act is allowed.

Petitioners and respondent are having right to purchase the petition schedule property.

Petitioner No.1 intends to purchase the petition schedule property for the highest bid rate, then he may purchase or otherwise the highest bidder purchase the property.

For steps: