

Ex. 32-2024

05-07-2025

ORDER ON MEMO

Memo was filed by the judgment debtor No.1 seeking assistance of surveyor for identification of the property and to assist the bailiff before delivery and to demarcate the road.

The decree holder also files memo seeking assistance of competent surveyor.

Heard from the counsel for decree holder and counsel the judgment debtor No.1.

The following point arise for my determination.

“Whether the appointment of surveyor is necessary?”

My answer to the above point is in ‘affirmative’, for the following

REASONS

The present petition is for execution of the order of this court in O.S.No.105/2005, where the respondents are directed to hand over the vacant possession of the property. The bailiff was appointed to hand over the possession and the objection was raised for identification of the schedule property. Now the counsel for judgment debtor No.1 seeks the assistance of surveyor in order to properly identify the property.

The judgment debtor No.1 has raised objections that the delivery is not feasible unless the decretal property is identified and the common passage leading to the property

of the decree holder and the judgment debtors is kept intact. In order to comply with the abovesaid objections, the identification of the property by a proper surveyor is necessary, which is also not objected by the decree holder. When the bailiff is unable to identify the property by proper survey measurement, the surveyor who is experienced and competent to identify and survey the property , needs to be appointed. Accordingly holding that surveyor needs to be appointed to identify the property, the above point is answered in affirmative.

Hence the following:

ORDER

Memo filed by the judgment debtor No.1 is herewith accepted.

Surveyor is appointed to assist the
bailiff in identifying the property before
delivery of the possession.

(SHARMILA C.S.)
Senior Civil Judge & ACJM Karkala.