



A.No.2142/2025
in CS No.46/2017

A.No.2142/2025
in C.S.No.46/2017

DR.R.N.MANJULA, J.

The learned counsel for the first defendant submitted that if the property is divided as per the suggestions given by the learned Advocate Commissioner, each plaintiff and the defendants, in total, will get 871 sq.ft. and the defendants have to divide 871 sq.ft among themselves and in such case each one will get 217.75 sq.ft. and the defendants can neither have any effective enjoyment or that will not be profitable to any of the defendants. It is suggested by the first defendant that if whole of the property is sold, it will be of better advantage to everyone.

2. So far as the plaintiffs 1 and 2 are concerned, they have no difficulty because they have substantial share of 871 sq.ft. Hence, each of the defendants who may be entitled to 217 sq.ft., cannot deprive the plaintiff's better enjoyment over their share as suggested by the Advocate Commissioner in his additional report dated 17.10.2025. In the above report a plan has also been annexed by showing the proposed division. So, it is for the defendants as to how they are going to enjoy the whole of 871 sq.ft. among themselves. So far as the plaintiffs 1 and 2 are concerned, they would



A.No.2142/2-
in CS No.46/2017

not have any objection as to the modus suggested by the learned Advocate
Commissioner.

WEB COPY

3. As of now, it is possible for this Court to pass a final decree as per the modus suggested by the learned Advocate Commissioner in his additional report. In order to give one opportunity to the defendants 1 to 4, whether they prefer to sell their whole share of 871 sq.ft. to the plaintiffs, the matter is ordered to be listed on 11.11.2025.

31.10.2025

bkn



WEB COPY



A.No.2142/2025
in CS No.46/2017

R.N.MANJULA, J.,

bkn

A.No.2142/2025
in C.S.No.46/2017

31.10.2025