

A.No.2142 of 2025

in

C.S. No.46 of 2017

Dr.R.N.MANJULA, J.

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On 31.10.2025, this Court had also indicated the possibility of facilitating the division by exploring whether the plaintiffs could purchase the shares allotted to defendants 1 to 4 , in order to smoothen the process of partition:

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



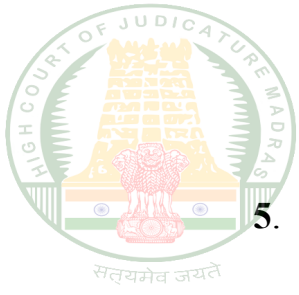
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3. *As of now, it is possible for this Court to pass a final decree as per the modus suggested by the learned Advocate Commissioner in his additional report. In order to give one opportunity to the defendants 1 to 4, whether they prefer to sell their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

2. When the matter was taken up today, the defendants came forward with a proposal expressing their willingness that their 1/3rd share could be divided by allotting one-half share to defendants 1 and 2 and the other half share to defendants 3 and 4, as front and rear portions, respectively. It was further proposed that, in the event of front portion is being allotted to one set of sharers, they shall leave a pathway to enable access to the rear portion allotted to the other sharers.

3. However, the said proposal was not accepted by the 3rd defendant, and hence, the same could not be materialised. Consequently, the matter reverts back to the earlier position, wherein the plaintiffs had expressed their willingness to purchase the defendants' 1/3rd share.

4. The defendants 1 and 4 and the plaintiffs 1 and 2, who are present before this Court, have accepted the above suggestion. It is now for the plaintiffs 1 and 2 to come forward with their offer for purchasing the defendants' 1/3rd share and report.



5. List the matter on 17.11.2025.

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