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Appln.No.2142 of 2025
in C.S.No.46 of 2017

A.NO. 2142 of 2025
AND CS NO. 46 of 2017

DR. R.N.MANJULA, J.

Today, when the matter is taken up for consideration, the plaintiffs 1 and 2 are present before this Court. The learned counsel for the plaintiffs 1 and 2 submitted that the plaintiffs 1 and 2 are willing to purchase the property, provided if the defendants 1 to 4 are willing to sell them at the rate of Rs.11,000/- per sq.ft.

2. The learned counsel for the defendants 1 and 2 filed a memo stating that the average market value of the area where the property situated is somewhere between Rs.13,364/- per sq.ft. If the defendants intend to sell the property more than the plaintiffs offer, let them sell it to any third party purchaser who is willing to purchase it for a higher price. As of now the defendants share is divided and the plaintiffs share is also divided. As the plaintiffs share is demarcated separately and the defendants 1 to 4 have



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been given one lot on the western side as shown in the Commissioner's plan, as such there is no agreement between the parties to enable the plaintiffs 1 and 2 to purchase the defendants western 1/3rd share of 12 feet 8 inches x 69 feet 10 inches as allotted in the Commissioner's plan. So far as the share allotted to the plaintiffs 1 and 2 on the eastern side 12 feet 8 inches x 69 feet 10 inches each, there cannot be any issue and the plaintiffs' share can be taken by them as suggested by the Commissioner. However, the learned counsel for the plaintiffs 1 and 2 and the plaintiffs 1 and 2, who are present before this Court stated that even in that portion allotted to the plaintiffs 1 and 2, the defendants are in occupation to an extent of 5 feet on the eastern side and hence the defendants have to either demolish or vacate from the suit property to divide and hand over possession of the shares as shown in the modalities suggested by the Commissioner. As the defendants denied that their occupation is not in excess of 12 feet 8 inches, the Commissioner who has already been appointed to visit the suit property has to find out whether the defendants' occupation is an excess of 12 feet 8 inches allotted to them on western side.



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3. Registry is instructed to return the warrant to the Commissioner in order to enable the Commissioner to visit the suit property and file a report to that effect. The Commissioner fee is fixed at Rs.30,000/- that would be paid to the Commissioner directly.

List the matter on 02.12.2025.

17.11.2025

mtl

DR. R.N.MANJULA, J.,

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