

A.No.6432 of 2016
in
TRCS.No.449 of 2008

N.SATHISH KUMAR, J.

This application has been filed to pass a final decree in pursuant to the preliminary decree passed by this Court on 12.01.2006 in the above suit to divide the schedule mentioned suit property by metes and bounds equally.

2. An Advocate Commissioner was appointed by this Court on 22.09.2017 to divide the property into two equal shares. The Advocate Commissioner has suggested allotment of property in three different modes. In all the three different modes, he divided the property into two equal shares.

3. The learned counsel appearing on both sides submitted that the first mode of allotment will be useful to both the parties. The first allotment shown in the Commissioner's report is equally divided and both the portions have direct access to the road on the southern side. Therefore, it will be benefit for both the parties.

4. In view of the submissions, final decree is passed in terms of the Commissioner report and the property is allotted to the parties as per the first allotment shown in the Commissioner's report. The plan in respect of the ground floor, first floor and second floor shown as first allotment in the Commissioner's report, shall form part of the decree and Judgment. Accordingly, this application is disposed of and final decree is passed and one month time is granted to both sides to

deposit the Non-Judicial stamps before the Registry.

10.03.2020

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This application is listed today under the caption for being mentioned at the instance of the learned counsel for the applicant and the respondents.

2. It is submitted by both sides that though the parties have agreed to divide the properties as per the first mode of allotment shown in the Advocate Commissioner's report, they have specifically agreed that the eastern portion will be allotted to the plaintiff and the western portion shall be allotted to the respondent. However, due to inadvertence, the above fact has not been mentioned in the Order in A.No.6432 of 2016 dated 10.03.2020 and the same has to be incorporated in the above Order.

3. In view of the above submissions, the following shall be incorporated in the above Order in paragraph No.4 after the first sentence :

“The eastern portion shown in the Advocate Commissioner's report shall be allotted to the petitioner and western portion shown in the Advocate Commissioner's report shall be allotted to the respondent.” [first mode]

4. The other aspects contained in the Order dated 10.03.2020 shall continue.

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5. The registry is directed to incorporate the above and issue fresh Order copy to the parties.

01.07.2021

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