



A.Nos.1371 and 1372 of 2023
in C.S.No.1037 of 2010

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R.N.MANJULA,J.

These applications have been filed by the applicant / 2nd defendant seeking to amend the schedule of property shown in A.No.1022 of 2021 and to amend 'C' Schedule property in accordance with the details furnished by the applicant.

2. The application in A.No.1022 of 2021 has been filed for passing final decree in respect of schedule mentioned properties. The said final decree petition has been allowed on 08.07.2022. As per the said order, the mode of division as suggested by the Advocate Commissioner, is accepted and the applicant is allotted with 2/3 share by metes and bounds as per the Commissioner's report.

3. However, the present applications have been filed in view of the report of the Commissioner, wherein it has been sated that the 'C' Schedule property measured 4866.4 sq.ft. However, in A.No.1022 of 2021, the extent of 'C' schedule property is shown as 4778 s.ft. Since there is a discrepancy in the measurements, the difficulty has arisen in drafting the decree. It is to be noted that while passing preliminary decree in respect of 'C' schedule



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property, there was an understanding that 'C' schedule property should be divided between the 2nd and 5th defendants alone and hence preliminary decree is passed so in respect of 'C' schedule property. Hence as per the preliminary decree pertaining to 'C' schedule property. the 2nd defendant would get 2/3rd share and 5th defendant would get 1/3 share. Only in view of the same, these petitions had originated from the 2nd defendant and for which the plaintiffs cannot have any objections.

4. In view of the above stated reasons, these petitions are allowed. The plaintiffs and the applicants are directed to carry out necessary amendment in the 'C' Schedule property of the plaint and the schedule to application No.1022 of 2021 respectively.

16.03.2023

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