



A.Nos.976, 977 & 978 of 2022
in C.S. No.193 of 1998

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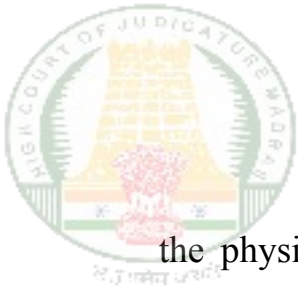
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R.N.MANJULA, J.

A.No.976/2022 has been filed to direct the plaintiffs to carry out necessary repairs in the portion in their occupation in 1st floor of the suit schedule mentioned property (measuring about 660.09 sq.ft.) by replacing the wooden rafters of Madras Terrace removed by the fourth plaintiff and to replace the rafters and to make those portion safe and secure at their cost within a time fixed by this Court.

A.No.977/2022 has been filed to issue a direction by way of preliminary decree directing the plaintiffs to render true and proper accounts with regard to the rents collected from the suit schedule mentioned property by the deceased plaintiff and after him by his legal heirs namely the present plaintiffs before this Court from the date of plaint i.e.19/07/1995 till the date of passing of final decree and pay the applicant / defendant, his half share of the rents/profits from the suit property together with interest at the rate of 18% per annum within a time frame fixed by this Court.

A.No.978/2022 has been filed to appoint an advocate commissioner to visit and inspect the suit property with the help of an Engineer to note down



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the physical features and stability of the suit property and to ascertain the market price of the suit property taking into all the aspects relating to the suit property and to file a report within a time fixed by this Court along with sketch and other particulars and Engineer's report.

2. While hearing the submission of the respective parties, it is seen that both the parties have got no disagreement about the fact that the property is indivisible and the respective shares of the parties can be divisible only if the property is brought for sale. Since the Commissioner has also been appointed and she had visited the suit property and submitted her report, the application in A.No.978/2022 is closed.

3. Since the matter can be better resolved by selling the property than by directing the parties to carry out any repair or any other kind of arrangement within the property, the Applications in A.Nos.976 & 977 / 2022 are also closed.

05.04.2023

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