



WEB CO **R.N.MANJULA,J.**

A.No.1988 of 2023 in
C.S.No.543 of 2006

This Application has been filed to appoint an Advocate Commissioner to inspect the suit schedule property as specified in the judges summons and to file a report as to the feasibility of division by metes and bounds in order to pass a final decree pursuant to the preliminary decree dated 24.08.2016.

2. The applicants / plaintiffs have filed the above suit to pass a preliminary decree for partition of plaint 'A' and 'B' schedule properties allotting plaint Item 2 to 'A' schedule property and 1/3rd share in plaint Item 1 and 1/3rd share in 'B' schedule property to the 1st plaintiff and 1/3rd share each in Item 1 of plaint 'A' schedule and 1/3rd share in plaint 'B' schedule property to the 2nd plaintiff and the 1st defendant. This Court had passed a preliminary decree dated 24.08.2016. As per the decree, plaint Item 2 to 'A' schedule property and 1/3rd share in plaint Item 1 and 1/3rd share in plaint 'B' schedule was allotted to the 1st plaintiff and 1/3rd share each in Item 1 of plaint 'A' schedule and 1/3rd share in plaint 'B' schedule was allotted to the 2nd plaintiff and the 1st respondent / first defendant. Now, the plaintiffs have filed this application to appoint an Advocate Commissioner to inspect the suit properties for passing a final decree.

3. Heard both sides. The learned counsel for the respondents has no objection for appointing the Advocate Commissioner to inspect the suit schedule properties and file a report along with the plan showing the manner



in which the respective shares of the parties can be divided by metes and bounds.

4. Accordingly,

(a) This application stands ordered.

(b) Ms.ARCHANA, J.R, Advocate, having residence at No.28-B-4-1, Vallalar Nagar, Keezha Ramanputhoo, Nagercoil, Kanyakumari District – 629 002 (Enrollment No.2672/2019 & Mobile No.9629021531), is appointed as Advocate Commissioner to inspect the suit schedule properties as specified to the judges summons and to file a report as to the feasibility of division by metes and bounds.

(c) The initial remuneration of the Advocate Commissioner is fixed at Rs.25,000/- (Rupees Twenty five thousand only), which shall be borne by the applicants / plaintiffs.

(d) The learned Advocate Commissioner, before causing inspection, shall duly give notice to the parties concerned as well as the learned counsels representing the parties and fix the time for her visit and inspection of the schedule properties.

(e) The learned Advocate Commissioner is also directed to take



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photographs of the property from various angles for the purpose of appreciating the competing claims of the parties.

(f) The learned Advocate Commissioner shall be paid the said initial remuneration immediately on receipt of the notice from the learned Advocate Commissioner on her visit and inspection of the schedule properties, promptly.

(g) The parties are directed to extend their utmost co-operation to the learned Advocate Commissioner when she inspects the schedule properties for the purpose of carrying out her assignment in terms of the warrant issued by this Court.

5. Post the matter on 03.07.2023 for filing report of the Advocate Commissioner.

01.06.2023

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NOTE :Registry is directed to issue warrant to the Advocate Commissioner.



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