

ORDER BELOW EXH. 07 IN Reg. Dkst. NO. 30/2022

The D.H. has filed an application for appointment of Court Commissioner by taking recourse Section 51 of Code Of Civil Procedure, 1908.

2. Decree Holder has contended that, R.C.S. No. 38/2019 has been decreed on 23/02/2021. The said suit was filed for the partition of the suit property as described in the para 1 of this execution petition. The suit property is a house property which is required to be equally partitioned as per decree passed in the suit. For that purpose, the D.H. has filed this application for the appoint Court commissioner.

3. The Judgment Debtor has filed a say on the application itself and stated that J.D. has no objection to appoint Court Commissioner for making equal partition of the suit property as per decree passed in R.C.S. 38/2019.

4. Heard perused submission both side. On perusal of the execution petition it appears that the R.C.S. NO. 38/2019 has been decreed in favour of D.H. However, in order to enjoy the fruits of the decree, D.H. has filed an application at Exh. 7 to appointment of Court Commissioner to make partition the suit property equally between D.H. and J.D. Perused the say of the J.D. it appears that, the J.D. has no objection to appoint the court commission. Therefore, it would be appropriate to appoint the Court Commissioner to make the partition of the suit property equally as per decree passed in R.C.S. No. 38/2019. In

such circumstances, following order is necessary -

ORDER

- 1) The application at Exh. 7 is allowed.
- 2) The T.I.L.R., Nandura, District Buldhana is hereby appointed as Court Commissioner for this execution petition in view of section 51 of Code of Civil Procedure, 1908.
- 3) The learned Court Commissioner is directed to go through the decree passed in R.C.S. No. 38/2019 and prepare of report of equal distribution of shares as allotted in the decree.
- 4) If possible, the Court Commissioner shall depict the spot with the suitable digram or map in addition to his report.
- 5) For the such commission work, fees of Rs. 2000/- is fixed and D.H. as well as J.D. shall bear equal part of thereof. Such part be deposited in Court within 10 days from today. The learned Court Commissioner is at liberty to quote for additional remuneration depending upon the number of visits time and efforts incurred for such commission work. Needless to mention that D.H. and J.D. will have to bear such additional fees, if ordered by this Court, in equal part.
- 6) The parties and their learned advocate shall restrain themselves from creating chaos or confusion at commission work from creating any pressure on the learned Court Commissioner.
- 7) The report or digram / map of learned Court Commissioner, shall come before this court on or before 28/02/2023.

MHBU08-001370-2022

... 3 ...

Red. Dkst. No. 30/2022
Rameshwar + 3 X Rajesh + 1
ORDER ON EXH. 7

- 8) The commission writ shall be issued once total fees for commission work is deposited.
- 9) Issue and informed accordingly.

Nandura
Date – 10/01/2023.

(R.A. Misal)
Civil Judge J.D., Nandura

- - - - -

Reg. Dkst. No. 30/2022
Rameshwar +3 X Rajesh + 1
ORDER ON EXH. 07

... 4 ...

MHBU08-001370-2022

“I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of the Steno :- Y.S.Muley.

Name of the Court :- Civil Judge J.D., Nandura

Date of Signature of :- 10/01/2023.
Presiding Officer

Date of Order :- 12/01/2023.
uploaded