

FDP No. 12/2018

ORDERS ON I.A.No.IV

This application is filed by the petitioner U/O-XXVI Rule 9 R/w Sec. 151 of CPC seeking permission to appoint Court Commissioner ADLR/Tahasildar (Surveyor) for demarcating of 3/16th out of 1/4th shares of father's of petitioner as per preliminary decreed passed by this court in OS No.104/2015 submits report along with map for handing over the possession of the suit property in accordance with law.

2. Under these circumstances it is just and proper to appoint Court Commissioner (ADLR Afzalpur) to demarcating of 3/16th out of 1/4th shares of father's of petitioner in suit property in respect of Sy.No.319 measuring 08acres-22guntas, SY.No.318 measuring 05acres-35guntas, Sy.No.331/1 measuring 02acres-36guntas, Sy.No.318/22 measuring 05acres-15guntas all properties are situated at Bandarwad Village, Tq: Afzalpur. Hence prays to allow the application. Learned counsel for respondents submitted that there is no objection to IA No.1 it may be allowed.

3. Heard the arguments of petitioner counsel and perused the records.

4. The following points arise for my consideration is as follows:

:: POINTS ::

1. Whether the I.A.No.IV filed by the petitioner U/o XXVI Rule-9 R/w Sec.151 of CPC is deserves to be allowed?
2. What order?
5. My answer to the above points are as follows:-
Point No.1: - In the affirmative.
Point No.2: - As per final order for the following:

R E A S O N S

6. **Point No.1**: The present petitioner is filed by the petitioner against the respondent for describe the suit schedule properties i.e. Sy.No.319 measuring 08acres-22guntas, SY.No.318 measuring 05acres-35guntas, Sy.No.331/1 measuring 02acres-36guntas, Sy.No.318/22 measuring 05acres-15guntas all properties are situated at Bandarwad Village, Tq: Afzalpur are to the partitioned by appointing a commissioner for a division in terms of preliminary decree passed by the Hon'ble Court there by the demarcating of 3/16th out of 1/4th shares of father's of petitioner in the suit properties, it is just and proper to allow application to ascertain and make partition as per the preliminary decree. Accordingly the point No.1 is answered in **Affirmative**.

7. **Point No.2** :- In view of my findings on Point No.1, I proceed to pass the following:

:: ORDER ::

I.A.No.IV filed by the petitioner under Order 26 Rule-13 R/w Section 151 of CPC is hereby allowed.

The A.D.L.R. Afzalpur is hereby appointed as court commissioner to effect the division in the terms of judgment and decree passed in OS No.104/2015.

Fee of court commissioner is fixed at Rs.3,000/-. Issue commission warrant along with relevant documents to the court commissioner if P.F. paid and fee deposited. Call on 02.01.2025

**Civil Judge & JMFC
Afzalpur**