

ORDER ON I.A.NO.1 FILED UNDER ORDER-
XXVI RULE-13 R/W 151 OF CPC
BY PETITIONER

This order arises out of I.A.No.1 filed by the petitioner under Order-XXVI Rule-13 R/w 151 of CPC, for appointment court commissioner to effect the partition of the plaint schedule property, in support of which the petitioner has filed affidavit stating that she has filed suit for partition and separate possession the same is decreed on 11.06.2018 and that the petitioner is entitled 1/3 share in the suit properties, hence prayed to appoint court commissioner to effect the partition in terms of the decree passed in O.S.No.104/2015 by this court.

The respondent No.1 to 5 are placed ex-parte.

Heard and perused the records. From the perusal of certified copy of judgment and decree passed in O.S.No.104/2015 dated 11.06.2018 by this court it discloses that suit of the plaintiffs was partly decreed and it is declared that the plaintiffs are entitled to 3/16 share out of his father's share 1/4 share in the suit properties. The said judgment and decree also further discloses that the suit properties are agricultural lands in part and there is also a house property.

For the purpose of effecting partition the surveyor from the Tahasildar office is the competent person to effect the partition of agricultural land. Therefore the above is to be IA allow in the interest of justice and equity. Hence the following.

ORDER

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

The surveyor from the Tahasildar office afzalpur is appointed as the court

commissioner to effect partition of the suit properties in terms of decree.

Fee of the court commissioner is fixed at Rs.2000/-

Issue commissioner warrant along with copy of judgment and decree and other relevant records along with commissioner warrant if P.F. paid and commissioner fee deposited.

Call on

Civil Judge & JMFC, Afzalpur.