

The petitioner has filed IA No.I U/o 26 Rule 9 R/w Sec.151 of CPC seeking appointment of ADLR as Court commissioner as court commissioner for division of suit properties as per preliminary decree.

2. Petitioner argued that the case numbered O.S No.135/2019 was initiated for partition and separate possession. This case was decreed on 08.06.2023. According to the decree, they are entitled to a share in the properties listed in the suit schedule. Therefore, they request the appointment of a court commissioner to facilitate the division of the properties in accordance with the preliminary decree. Consequently, they seek allow the application.

3. The Petitioner has filed application under Order 26 Rule 9 R/w Sec. 151 of CPC for appointment of ADLR as court commissioner for effecting the division of property as per preliminary decree passed by court in OS No.135/2019.

4. In spite of sufficient opportunity given, respondents have not filed objection to the application.

5. Heard arguments.

6. At the outset the question of sending any decree to the Tahsildar Bailhongal/ADLR to “*effect*” partition and to hand over the possession of the legitimate shares does not arise in the light of the Karnataka Amendment to Section 54 of the Code of Civil Procedure which reads as follows:

" 54. Partition of estate or separation of share.- Where the decree is for the partition of an undivided estate assessed to the payment of revenue to the Government, or for the separate possession of a share of such an estate, the partition of the estate or

the separation of the share of such an estate shall be made by the Court in accordance with the law if any, for the time being in force relating to the partition or the separate possession of shares, and if necessary on the report of a revenue officer, not below the rank of Tahsildar or such other person as the court may appoint as Commissioner in that behalf. "

Hence, it is necessary for this court to get the report from ADLR, Bailhongal to draw final decree by metes and bounds. Therefore I pass the following

ORDER

The application filed by Petitioner for appointment of court commissioner is here by allowed.

ADLR Bailhongal is hereby appointed as court commissioner to effect division of the suit properties by metes and bounds as per preliminary

decree is O.S.No.135/2019. Further, Rs.2,000/- is tentatively fixed as commissioner fee which shall be deposited by the Petitioner. Issue Commissioner Warrant after commissioner fee deposited.

Await Report by 03.09.2025.

**Principal Civil Judge & JMFC
Bailhongal**