

ORDER ON I.A. NO.II to IV

1. The I.A.No.2 under Order 21 Rule 35, I.A.No.3 Under Order 21 Rule 35 and I.A.No.4 Under Order 21 Rule 9 of CPC to appoint Bailiff to hand over the possession to the DHR and further to appoint ADLR, Hunagund to fix the boundary of the suit properties.
2. The learned Counsel for the JDRs have submitted that I.A.No.2 to 4 may be allowed.
3. I have heard the learned Counsel for the DHR and JDRs.
4. On perusal of the records of the case, the following points would emerge for my consideration:
 1. Whether the applications filed by the DHR is deserves to be allowed?
 2. To what order?
5. My findings on the above points are as under:
 1. In the Affirmative.
 2. As per final order for the following:

REASONS

6. **Point No.1:** In an affidavit appended to the application, it is stated by the Dhr no.2 that already this court has passed an order in FDP proceedings in FDP No.5/2018 for which it is necessary to appoint Bailiff to hand over the possession to the DHR and further it is necessary to appoint ADLR, Hunagund to fix the boundary in the suit properties and accordingly, among other grounds prays to allow the applications.
7. The learned Counsel for the JDRS have submitted that I.A.No.2 to 4 may be allowed.
8. In view of the contentions put forth by the DHr, now, let me see as to whether the applications filed by the DHR no.2 is deserves to be allowed. In the case on hand, it is pertinent to note that already in FDP No.5/2018 the order has been passed and final decree has been drawn and now the handing over the possession of the DHRS is pending before the court. Hence, it is necessary to appoint Bailiff of this court to hand over the possession of the suit properties to the DHRs. Further, it is necessary to appoint ADLR, Hunagund to fix the boundary of the suit properties and if these applications are not allowed, the DHRS will be put to loss. Accordingly, I answer this point No.1 in the affirmative.
9. **Point No.2:** In the result, I proceed to pass the following:

ORDER

I.A. No.II filed by the applicant/DHR no.2 under Order 21 rule 35, I.A.No.III filed by the applicant/DHR No.2 under Order 21 Rule 35 and I.A.No.IV filed by the applicant/DHR No.2 under Order 26 Rule 9 of CPC are hereby allowed.

The ADLR, Hunagund is appointed as court commissioner to fix the boundary in the land bearing S.No.164/1 measuring 10 acres 32 guntas, S.No.238/3 measuring 8 acres 24 guntas and S.No.164/2 measuring 5 acres 16 guntas and S.No.238/2 measuring 4 acres 12 guntas situated at Marol village as per the order passed in FDP No.05/2018.

Further, The Bailiff of this court is directed to hand over the possession of the suit properties bearing S.No.164/1 measuring 10 acres 32 guntas, S.No.238/3 measuring 8 acres 24 guntas to the plaintiffs/petitioners and S.No.164/2 measuring 5 acres 16 guntas and S.No.238/2 measuring 4 acres 12 guntas situated at Marol village to the defendants after the boundary fixed by the ADLR, Hunagund.

The Court commissioner fee is fixed at
Rs.1,500/-.

No order as to costs.

For payment of court commissioner fee.

Call on

(Directly I have typed on my laptop, corrected and then pronounced by me
in the open Court on this the **6th** day of **March 2026**.)

(Hanamantarao R.Kulkarni)
Senior Civil Judge and J.M.F.C.,
Hunagund.