

ORDERS ON IA. No.3

Sri.B.T.M., Advocate filed this application under order.26 R.9 of C.P.C. to appoint a Assistant Director of Land Records Challakere as court commissioner to visit the disputed properties of the parties to the suit and make demarcation of the suit properties.

Sri.S.P., advocate for Defendants despite availing several adjournments did not file his objection. Hence, right to file objection was forfeited.

Heard the arguments on both sides.

Perused the entire records of the case including the pleadings. The Plaintiff contents that the Defendants are interfering to erect compound wall around the suit schedule property. The suit property is granted to him on.29.09.1997 the then Thahasildar of Challakere. The Defendants are having vacant and hostel building towards northern side of the suit schedule property and while made effort to erect compound wall, the Defendants interfering and halted the work. If the boundaries is fixed with the help of Court Commissioner the dispute between the parties will be solved.

This application is filed in order to demarcate the properties of plaintiff and defendants separately. If the demarcation has been did the properties of plaintiff and defendants will be identifiable. As such, as per the provisions of Order 26 R.9 of C.P.C. any disputed question about the existence of the properties can be investigated by the court through the court commissioner, having regard to the fact that to the specific provisions of law and also taking into consideration of no objections is filed by the Defendants Court is of

the opinion that the application is deserved to be allowed.
Accordingly, Court proceed to pass the following-

ORDER

IA. No.3 filed by the Plaintiff under order 26 R.9 R/w Sec.151 of C.P.C. is allowed thereby, the Assistant Director of Land Records Challakere is appointed as the court commissioner.

The Court commissioner fee is fixed at Rs.3,000/-.

For filing memo of instructions.

Call on .01.08.2022.

Addl. Civil Judge and JMFC.,
Challakere.