

ORDERS

The learned counsel for the petitioners have filed IA No.4 under sec. 54 of CPC with a prayer to appoint the Taluk surveyor and AEE of PWD as Court commissioner to measure and demarcate the suit schedule properties and to submit the report.

2. In the affidavit filed in support of this application, it is contended that the petitioner has filed a suit against the defendants for the relief of partition and separate possession in OS No.110/1987 and the said suit was decreed on 25.09.1991 and as per the said decree, the petitioner also entitled the share. Hence, suit schedule properties have to be

measured and demarcated. Hence, these applications.

3. The respondents have not filed objection to present IA.

4. On careful perusal of the materials available on record, it is noticed that inspite of sufficient service, the respondents have not filed objection and they have got share as per the FDP No.6-2004. Hence, it is just and necessary to appoint the Taluk Surveyor and AEE of PWD of Kaduru as commissioner to measure and demarcate the share of petitioner as per the decree passed in O.S.No110-1989

5. Office to send commissioner warrant along with decree.

6. The commissioner fee is tentatively fixed at Rs.2,000/- for each commissioner.

7. Issue commissioner warrant if fee is deposited.

-sd-
Prl Civil Judge & JMFC,
kaduru.

ORDER

Perused the available materials and I have considered the arguments urged by the Sri.R.K. Advocate no grounds has made out to grant the ad-interim exparte injunction.

Issue emergent notice and suit summonses to defendants' returnable by 31.05.2014.

ADDL.C.J. & J.M.F.C.MADDUR.

ORDER

The instant petition has been filed by the petitioner seeking to draw final decree with respect to the suit property item No.1 by metes and bounds on the strength of Judgment and Decree dated 10-01-2020 in O.S. No. 278/2013.

2. In response to the notice, the respondents, the respondent No.1 appeared through counsel, but he did not file his objection. The respondent No.2 and 3 are absent and they are placed exparte.

3. Heard the learned Counsel for the Petitioners.

4. On perusal of the records of the case, the following points would emerge for my consideration:

1. Whether the application filed under 20 Rule 18 R/ w/s 54 of CPC ?
2. To what order?

5. My findings on the above points are as under:

Point No.1 : In the Affirmative

Point No.2 : As per final order
for the following ;

REASONS

6. Point No.1: In the Petition, it is stated by the Petitioner that, they filed a suit for seeking the relief of partition and separate possession of their 5/16th. Accordingly, **I answer Point No.1 in the Affirmative.**

9. Point No.2: In view of my discussion made supra, I proceed to pass the following:

ORDER

The commissioner's report is accepted.

Draw preliminary decree accordingly.

(Nalina S.C.)
C/c IV Addl. Civil Judge & JMFC.,
Maddur.