

ORDERS ON IA NO.III FILED U/S 54 OF CPC

The petitioners has filed the application under section 54 of CPC to appointment of the Tahasildar, Kadur Taluk, Kadur as court commissioner to curve out the share of the petitioners in the item Nos.1 to 4 of petition schedule properties as per the preliminary decree passed in O.S.324/2021.

In the affidavit it has been stated that they have filed the present petition in order to get the final decree in tune with the preliminary decree passed in O.S.No.324/2021. As per the preliminary decree they were allotted 1/6th share in the suit schedule properties. Hence, prayed to appoint of Tahasildar, Kadur Taluk, Kadur as court commissioner to curve out the share of the petitioners in the item No.1 to 4 of the petition schedule properties. **With these averments prayed to allow the application.**

The Respondents submits no objection. I A No.III may be allowed.

Heard arguments counsel for Petitioner.

I have carefully perused the preliminary decree passed in O.S No.324/2021, wherein it was declared the shares of Petitioners. Admittedly, the item Nos.1 to 4 are landed properties. Hence, to suggest the scheme of partition it is absolutely necessary to appoint Tahasildar, Kadur Taluk, Kadur as court commissioner. Therefore, in my considered opinion the application filed by the Petitioners deserves to be allowed. Accordingly, I proceed to pass the following.

ORDER

The application filed by the petitioners u/s 54 of CPC is hereby allowed.

The Tahasildar, Kadur Taluk, Kadur is hereby appointed as court commissioner pertaining to item Nos.1 to 4 of petition schedule properties.

It is directed to the court commissioner i.e., The Tahasildar, Kadur Taluk, Kadur to carve out the share of the petitioners in the item No.1 to 4 of the petition schedule properties for partition in tune with the shares declared in the preliminary decree passed in O.S.324/2021 with respect to the landed properties.

The court commissioner is hereby directed to file their report respectively to the court as early as possible.

The court commissioner fee is fixed tentatively at Rs.2,000-00.

For depositing commissioners fee.

Office is hereby directed to send the certified copy of petition, preliminary decree passed in O.S.324/2021 to the court commissioner, if proper steps furnished by the petitioner in office.

For await report, Call on 28.02.2025.

Sd/-

II Addl. Civil Judge and JMFC.,
Kadur.

