

## **ORDERS ON IA NO.I FILED U/S 54 OF CPC**

The petitioner has filed the application under section 54 of CPC to appointment of Tahasildar, Kadur as court commissioner to carve out the share of the petitioner in the item Nos.1 to 5 of petition schedule properties i.e., Landed properties as per the preliminary decree passed in O.S.415/2022.

In the affidavit it has been stated that she has filed the present petition in order to get the final decree in tune with the preliminary decree passed in O.S.No.415/2022. As per the preliminary decree he was allotted 1/4<sup>th</sup> share in all the suit schedule properties. Hence, prayed to appoint of Tahasildar, Kadur as court commissioner to carve out the share of the petitioner in the item No.1 to 5 of the petition schedule properties. **With these averments prayed to allow the application.**

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

Heard arguments counsel for Petitioner.

I have carefully perused the preliminary decree passed in O.S No.415/2022, wherein it was declared the shares of Petitioner. Admittedly, the item Nos. 1 to 5 are landed properties and the Tahasildar, Kadur, has been appointed as court commissioner to carve out my share in the said properties and he has executed his commissioner's work and carved out my share as per the preliminary decree and item No.1 to 5 are landed properties. Hence, to suggest the scheme of partition it is absolutely necessary to appoint Tahasildar, Kadur as court commissioner. Therefore, in my considered opinion the application filed by the Petitioner deserves to be allowed. Accordingly, I proceed to pass the following-

**ORDER**

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

The Tahasildar, Kadur is hereby appointed as court commissioner pertaining to item Nos. 1 to 5 of petition schedule properties i.e., landed properties.

It is directed to the court commissioners i.e., Tahasildar, Kadur to carve out the share of the petitioner in the item No.1 to 5 of the petition schedule properties for partition in tune with the shares declared in the preliminary decree passed in O.S.415/2022 with respect to the house property.

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.415/2020 to the court commissioner, if proper steps furnished by the petitioner in office.

Sd/-

II Addl. Civil Judge and JMFC.,  
Kadur.

