

Again case called out.

ORDERS ON IA NO.I AND II FILED U/SEC.54 AND 151
OF CPC

The petitioner and respondent No.1 to 3 have 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 petitioner and respondent No.1 to 3 in the item Nos.1 to 9 of petition schedule properties as per the preliminary decree passed in O.S.301/2020.

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.301/2020. As per the preliminary decree they were allotted 1/4th 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 petitioner and respondent No.1 to 3 in the item No.1 to 9 of the petition schedule properties. **With these averments prayed to allow the application.**

Both counsels submits that no objections. I A No.I and II may be allowed.

Heard arguments counsel for petitioner and respondent No.1 to 3.

I have carefully perused the preliminary decree passed in O.S No.301/2020, wherein it was declared the shares of petitioner and respondent No.1 to 3. Admittedly, the item Nos.1 to 9 are landed properties and House 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 petitioner and respondent No.1 to 3 deserves to be allowed. Accordingly, I proceed to pass the following;

ORDER

The application filed by the petitioner and respondent No.1 to 3 u/s 54 and 151 of CPC is hereby allowed.

The Tahasildar, Kadur Taluk, Kadur is hereby appointed as court commissioner pertaining to item Nos.1 to 9 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 petitioner and respondent No.1 to 3 in the item No.1 to 9 of the petition schedule properties for partition in tune with the shares declared in the preliminary decree passed in O.S.301/2020 with respect to the landed properties and house properties.

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

Office is hereby directed to send the certified copy of petition, preliminary decree passed in O.S.301/2020 to the court commissioner, if proper steps furnished by the petitioner and the respondent No.1 to 3 in office.

For await report, Call on 18.03.2025.

Sd/-

II Addl. Civil Judge and JMFC.,
Kadur.

