

The case is advanced by the learned counsel for the petitioner.

The learned counsel for the petitioner has filed a memo along with a certified copy of the order passed by the Hon'ble High Court of Karnataka, Bengaluru, in RFA No.143/2025 and prays for appointment of a Survey Commissioner to effect partition of the suit schedule properties in terms of the decree passed in O.S. No.140/2014.

On perusal of the order passed by the Hon'ble High Court of Karnataka, Bengaluru, in RFA No.143/2025 dated 09.12.2025, it is clear that the Hon'ble High Court has directed that the final decree proceedings may continue; however, drawing up of the final decree has been stayed. In view of the same, appointment of a Court Commissioner for effecting partition of the properties is necessary.

Heard on I.A. No.1.
For orders.

Sd/-

Sr. Civil Judge & JMFC.,
Mudigere.

Petitioners have filed this I.A. No.1 under Order XXVI Rule 9 read with Section 151 of CPC praying to appoint the Taluk Surveyor, Mudigere, as Court Commissioner to effect partition in respect of the suit schedule properties as per the judgment and decree passed in O.S. No.140/2014.

Respondent Nos.2 to 6 have appeared through their counsel, but have not filed their objections.

Heard the learned counsel for the petitioners. Perused the petition and the judgment and decree passed by this Court in O.S. No.140/2014.

The present final decree proceedings are initiated by the petitioners to divide the properties in terms of the judgment and decree passed by this Court in O.S. No.140/2014 dated 20.12.2024. Now, the petitioners pray for appointment of a Court Commissioner to divide the properties accordingly.

It is relevant to note that the Hon'ble High Court of Karnataka, in RFA No.143/2025, by order dated 09.12.2025, has permitted this Court to proceed with the final decree proceedings. However, the Hon'ble High Court has stayed the drawing up of the final decree.

The respondents have not filed any objection. Thus, it is clear that there is no impediment for proceeding with the final decree proceedings, except to the extent indicated by the Hon'ble High Court. As such, for the purpose of effectuating the judgment and decree, it is necessary to appoint a Court Commissioner for division of the properties, subject to the stay on drawing up of the final decree. Accordingly, I pass the following:

ORDER

The Taluk Surveyor, Mudigere, is appointed as Court Commissioner to divide the petition schedule properties as per the

judgment and decree passed in O.S.
No.140/2014.

The Court Commissioner's fee is
tentatively fixed at Rs.2,000/-.

The petitioners are directed to deposit
the Commissioner's fee.

Issue Commissioner warrant on
deposit of Commissioner's fee, filing of
memo of instructions, and furnishing of
necessary documents by 07.03.2026.

Sd/-

Sr. Civil Judge and JMFC.,
Mudigere