



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC AT N.R.PURA, ITINERATE AT KOPPA**

Present : Sri Raghunatha Gowda K.T., B.Com., L.L.B,
Senior Civil Judge & JMFC., N.R.Pura, Itinerate at Koppa.

Dated this the 17th day of July, 2025

F.D.P. No.04/2025

- Petitioner/s:
1. Smt. Mallika,
W/o Sridhar Bhat,
Aged about 65 years,
R/o 'Aradhana', Munchur Post,
Srinivasa Nagara, Surathkal,
Dakshina Kannada District.
 2. Smt. Malini,
W/o Dr. C. Gurumurthy,
Aged about 59 years,
R/o No.196, 'Matrushri Nilaya',
13th Cross,
Amrutheshwaranagara,
Belavadi, Mysore – 570 018.
 3. Smt. Nirmala B.P.,
W/o S.L. Ravishankar,
Aged about 57 years,
R/o S.T. Road,
Sri Swayam Prakash Nilaya,
Hariharapura,
Koppa Taluk – 577 120.

(By: Sri K.R.S., Advocate)

V/s

- Respondent/s: 1. Mr. Udayashankar Hebbar
@ Venkata Subbarao,



S/o Pattabhiraama Hebbar,
Aged about 68 years,
R/o 'Vanadurga Estate',
Bettadakolalu Village,
Koppa Taluk,
Chikmagalur District.

2. Mr. Arunachala Hebbar,
S/o Pattabhiraama Hebbar,
Aged about 53 years,
R/o 'Vanadurga Estate',
Bettadakolalu Village,
Koppa Taluk,
Chikmagalur District.

**(Defendant No.1 placed ex-parte, Defendant No.2
represented by Sri M.H.N., Advocate)**

I.A. NO.I

Applicant : Smt.Mallika and others

V/s

Respondents : Udayashankar Hebbar @
Venaktasubbarao and
another

**ORDERS ON I.A. No.I FILED BY PETITIONER
UNDER ORDER 26 RULE 13 R/w. Sec.151 OF C.P.C**

This is an application filed by petitioner praying this court to appoint Taluk Surveyor, Koppa as a court commissioner to measure the Item No.1 and 2 of the properties and to demarcate shares of the parties in the interest of justice.



2. In support of this application, petitioner counsel filed memorandum of facts contended that the petitioners have obtained the preliminary decree passed in O.S No. 09/2024, in order to demarcate the shares as per the Preliminary Decree passed in O.S.No.09/2024. The appointment of Taluk Surveyor, Koppa as court Commissioner is very important in order to proper adjudication of the matter and on these grounds, prayed for allow the application.

3. In-spite of service of notice the respondent No.1 did not, the respondent No.2 appear through his counsel and submit that he has no objection to allow the IA No.I.

4. Heard, perused the records placed before the court.

5. The points that arise for my consideration are as under:

1. Whether petitioners have made out sufficient grounds to allow the application ?
2. What order ?

6. My findings to the above points are as under :

Point No.1..... In the Affirmative,

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



REASONS

7. **POINT No.1** : Admittedly this Petition came to be filed by the petitioners to draw Final Decree as per the as per preliminary decree dated 17/01/2025 in O.S. No.09/2024 and to appoint Taluk Surveyor, Koppa as Commissioner to measure the landed properties to demarcate the shares of the parties. Since there being no rebuttal from the side of Respondents and as per facts and circumstances, it goes to show that the appointment of Taluk Surveyor, Koppa is very much necessary in this case for demarcate the petition schedule property. Sufficient grounds have been made out by Petitioner to allow the application. Moreover the respondents have not preferred any appeal the judgment passed by this court and there is no stay order from the Appellate Court to stay this proceedings. Accordingly, I answer point No.1 in the 'Affirmative'.

8. **POINT No.2** : For the reasoning's and findings given to point No.1, I proceed to pass the following :

ORDER

I.A. No.I filed by Petitioners counsel under Order 26 Rule 13 R/w, Sec.151 of C.P.C. is hereby allowed.

Taluk Surveyor, Koppa is hereby appointed as Technical Commissioner to demarcate petition schedule properties



and to submit his report as per preliminary decree passed in O.S No.09/2024 dated 17/01/2025.

The commissioner fee fixed at Rs.2000/-. Call on for payment of commissioner fee and for memo of instructions of Petitioner by hearing date.

(Typed to my dictation by the Stenographer directly on Computer, then corrected, printout taken, signed by me and then pronounced in the open court on this **17th day of July 2025**)

Sd/-

(Raghunatha Gowda K.T.)
Senior Civil Judge and J.M.F.C.,
N.R.Pura.,itinerate at Koppa.