

**ORDERS ON I.A No.VII FILED BY THE
PETITIONER UNDER XXVI RULE 13 r/w
SECTION 151 of C.P.C**

The instant application has been filed by the Applicant/ Petitioner seeking appointment of Court Commissioner to effect partition and separate possession of his 1/7th share in the suit schedule properties in terms of preliminary decree passed by this Court in O.S No.24/2013. Supporting affidavit has also been filed.

2. Respondents No.1 and 6(a) to (c) who are the contesting Respondents have submitted no objection to allow the application. The rest of the Respondents have been placed ex-parte.

3. During the pendency of this petition, apart from the 'A' and 'B' schedule properties which found place in the preliminary decree, a new 'C' schedule property has been allowed to be added at the instance of the Petitioner and by way of passing a supplemental preliminary decree, the respective shares of the parties to the petition has also been declared in respect of the 'C' schedule property. At present, there are two preliminary decrees which are the preliminary decree passed in O.S No.24/2013 and the supplemental

preliminary decree passed during the pendency of this petition. Therefore, the final decree requires to be drawn on basis of the said two preliminary decrees in respect of the petition 'A', 'B' and 'C' schedule properties.

4. The petition 'A' and 'B' schedule properties are the landed properties which can be effectively divided by the Taluk Surveyor and the petition 'C' schedule property is a house property which can be effectively divided by an Assistant Executive Engineer. With these observations, I proceed to pass the following:-

ORDER

I.A No.VII filed by the Applicant/ Petitioner under Order XXVI Rule 13 r/w Section 151 of CPC hereby stands allowed on the following terms –

- a. The Taluk Surveyor attached to A.D.L.R Officer, Sringeri is hereby appointed as Court Commissioner to effect division of the petition 'A' and 'B' schedule properties in terms of the preliminary decree passed by this Court in O.S No.24/2013.*
- b. The Assistant Executive Engineer, Koppa is appointed as Court*

Commissioner to effect division of the petition 'C' schedule property in terms of the supplemental preliminary decree passed during the pendency of this petition.

- c. The Court Commissioners shall execute the commissioner warrants after the due notice to the parties to the petition and submit their reports within a period of 4 weeks from today.*
- d. The fee of Court Commissioners is tentatively fixed at Rs.1500/- each. The Petitioner is directed to deposit the same before this Court, forthwith.*
- e. Issue Commission Warrants along with copies of the amended petition, preliminary decree in passed in O.S No.24/2013 and the supplemental preliminary decree passed during the pendency of this petition on deposit of the Commissioner fee and payment of the P.F.*

Sd/-

CJ & J.M.F.C: Sringeri