

**IN THE COURT OF THE ADDL. CIVIL JUDGE AND J.M.F.C**  
**AT TARIKERE**

**FDP No.13/2023**

**Petitioner/s**

**vs.**

**Respondent/s**

Gangamma

Lalithamma and others

**Date: 22.03.2025**

**Proceedings or Orders of the Judicial Officer**

**ORDER ON I.A.NO.5 to 9**

The respondent No.2 has filed I.A.No.3 u/s 151 of CPC and I.A.No.5 under Section 54 r/w Section 151 of CPC and prays to appoint the Surveyor attached to the office of Tahasildar, Tarikere as court commissioner to demarcate his 1/4<sup>th</sup> share in respect of item No.1 to 6 of petition schedule properties as per the preliminary decree passed in

R.A.No.26/2020. The respondent No.2 has also filed I.A.No.6 seeking permission to pay court fee in respect of his share in the item No.1 to 7 of petition schedule properties. The respondent No.2 has also filed I.A.No.7 under Order 26 Rule 13 r/w Section 151 of CPC and prays to appoint the Engineer attached to the office of PWD as court commissioner to demarcate his 1/4<sup>th</sup> share in respect of item No.7 of petition schedule property as per the preliminary decree passed in R.A.No.26/2020.

The respondent No.1 has filed I.A.No.8 under Section 54 r/w Section 151 of CPC and prays to appoint the Surveyor attached to the office of Tahasildar, Tarikere as court commissioner to demarcate her 1/4<sup>th</sup> share in respect of item No.1 to 6 of petition schedule properties as per the preliminary decree passed in R.A.No.26/2020. The respondent No.1 has also filed I.A.No.9 under Order 26 Rule 13 r/w Section 151 of CPC and prays to appoint the Engineer attached to the office of PWD as court commissioner to demarcate her 1/4<sup>th</sup> share in respect of item No.7 of petition

schedule property as per the preliminary decree passed in R.A.No.26/2020.

The I.As., copy served to the other side. The counsels for the petitioner orally submitted that the petitioner no objection to allow the aforesaid I.As.

Heard arguments.

On perusal of the materials placed on record, the petitioner has filed this Final Decree Proceedings petition for effecting the division of the petition schedule properties by metes and bounds and for separate possession as per the preliminary decree passed by this court in R.A.No.26/2020. Hence, opinion of this court is that, it is just and necessary to appoint the court commissioner i.e., Surveyor attached to the office of Tahasildar, Tarikere Taluk to demarcate the item No.1 to 6 of petition schedule properties and Engineer attached to the office of PWD, Tarikere to demarcate the item No.7 of petition schedule property. Hence, I proceed to pass the following :

**ORDER**

The I.A.No.3, 5 to 7 filed by the respondent No.2 and I.A.No.8 and 9 filed by the respondent No.1 are hereby allowed.

The Surveyor attached to the office of Tahasildar, Tarikere is hereby appointed as court commissioner and directed him to measure and demarcate the respondents No.1 and 2's  $1/4^{\text{th}}$  share each in respect of item No.1 to 6 of petition schedule properties as per the preliminary decree passed in R.A.No.26/2020 dated 17.12.2022.

The Engineer attached to the office of PWD, Tarikere is hereby appointed as court commissioner and directed him to measure and demarcate the respondents No.1 and 2's  $1/4^{\text{th}}$  share each in respect of item No.7 of petition schedule property as per the preliminary decree passed in R.A.No.26/2020 dated 17.12.2022.

The office is hereby directed to send all the necessary documents to the Taluk Surveyor attached to the office of Tahasildar, Tarikere to measure and demarcate the respondents No.1 and 2's  $1/4^{\text{th}}$  share each in

the item No.1 to 6 of petition schedule properties as per the preliminary decree passed by this court in R.A.No.26/2020 dated 17.12.2022 and submit the report within 3 months with due process of law if PF paid.

The office is also hereby directed to send all the necessary documents to the Engineer attached to the office of PWD, Tarikere to measure and demarcate the respondents No.1 and 2's 1/4<sup>th</sup> share each in the item No.7 of petition schedule property as per the preliminary decree passed by this court in R.A.No.26/2020 dated 17.12.2022 and submit the report within 3 months with due process of law if PF paid.

The respondent No.5 has filed memo of instructions on 27.01.2024. I have perused the same. The court commissioner/Taluk Surveyor attached to the office of Tahasildar, Tarikere is hereby directed to adhere said memo of instructions also.

Call on : 20.06.2025

sd/-

**ADDL. CIVIL JUDGE AND  
J.M.F.C., TARIKERE.**

FDP No.13/2023