

ORDER ON I.A. III

The Applicant/Petitioner has filed this application under Order 26 rule 13 r/w Sec.151 of CPC., seeking an order to appoint the ADLR, Chamarajanagar and AEE, City Municipality as Court Commissioners to divide the Petition Schedule properties and such other order.

In the Affidavit annexed to IA it is stated that, it is just and necessary to appoint Court Commissioners to measure and divide the suit schedule properties and submit the Report. It is also stated that, if the Application is allowed no hardship will be caused to the Respondents. On the other hand if the Application is not allowed it will cause irreparable hardship to the Petitioner/Applicant. Hence prays to Allow the IA.

In spite of sufficient opportunity the Respondents have not filed objection. Hence objection taken as nil.

Heard, perused.

The Petitioner has filed this Petition against the Respondents for obtain final decree according to the preliminary decree passed by this court in OS No.238/2010. The Judgment of this court is reached finality.

To measure and divide the suit schedule properties as per preliminary decree appointment of Court Commissioners is very much necessary in this Petition. If the court commissioner is appointed no hardship will caused to Respondents. Hence it is just and proper to appoint ADLR and AEE, City Municipality as Court Commissioners to

measure and divide the Petition schedule properties as per preliminary decree and submit the report. Hence following Order:

ORDER

The IA No.III filed by the Petitioner under order 26 Rule 13 R/w 151 of CPC., is hereby allowed.

The ADLR, Chamarajanagar is appointed as Court Commissioner to measure and divide item No.1 to 5 and The AEE, City Municipality, Chamarajanagar is appointed as Court Commissioner to measure and divide item No.6 of Petition schedule properties as per preliminary decree and submit the Report. The Petitioner is directed to pay the prescribed fee to the concerned Department towards Court Commissioner Fees.

Both parties are directed to furnish their memo of instructions.

Commissioner Report by 02.03.2024.

PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.