

ORDER ON I.A.

The applicant/Petitioner has filed I.A. U.sec 54 of CPC to appoint Court Commissioner to demarcate her share in petition schedule properties.

2. The respondents have not filed objection to above said IA.

3. Heard.

4. The Points that arise for consideration is as follows:

1. Whether the applicant made out sufficient ground to appoint commissioner to demarcate petition schedule properties?

2. What order?

5. My answer on the above Points are as follows:-

- | | | |
|------------|---|-------------------------------------------|
| Point No.1 | - | In the Affirmative. |
| Point No.2 | - | As per the final order for the following: |

REASONS

6. **Point No.1:-** It is admitted fact that the Petitioner has filed the suit in OS No.92/2015 against Respondents for the relief of partition and decreed the suit.

7. It is the contention of the Petitioner that in the said decree allotted share has been allotted to Plaintiff and defendants in petition schedule properties. Admittedly, petition schedule properties are house properties. Hence it is just and

necessary to appoint a commissioner to demarcate petition schedule properties. Accordingly, this court answers point No.1 in affirmative.

8. **Point No.2:** In view of aforementioned reasons, this court proceeds to pass the following:

ORDER

The I.A. filed U/Sec. 54 of CPC is allowed.

The Assistant executive engineer, CMC of Gundlupet has appointed as Court Commissioner to demarcate petition schedule properties as per decree by metes and bounds and fixed the boundary item Nos.1 to 4 of petition schedule properties.

The Commissioner fee is fixed tentatively of Rs.2000/-.

Issue commissioner warrant R/by 17.01.2025.

**Addl. Civil Judge and JMFC,
Gundlupet**