

Dated: 04.02.2025

FDP NO:10/2023

ORDERS ON I A NO. I U/o 26 RULE 13 READ

WITH SECTION 54 OF CPC

The petitioner has filed this applications U/o 26 Rule 13 read with Section 54 of CPC to appoint the Court Commissioner to effect division of the suit schedule properties as per the decree.

2. The petitioner filed her affidavit stated that, this petition filed for drawing up of final decree for partition to divide the properties by meets and bounds it is necessary to appoint Taluk Surveyor to divide share of the petitioner in suit schedule properties of the FDP. If the Court Commissioner is not appointed it is not possible to draw the final decree by effecting actual division of the properties.

3. The respondent No.2 to 4 are appeared through their counsel, the respondent No.1 and 5 are placed exparte.

4. Heard arguments, perused the records.

5. The petitioner has filed the suit for partition in OS No.99/2017 on 16.08.2022, the suit of the plaintiff is decreed. In this petition, the suit property item No.1 to 9 are the landed properties and item No.10 is the house property. Therefore, under the circumstances of the case, it is just and necessary to appoint the Court Commissioner to suggest possible ways of division of

the properties by meets and bounds. Hence, I proceed to pass the following :

ORDER

The application U/o 26 Rule 13 with Section 54 of CPC filed by the petitioner is hereby allowed.

The Taluk Surveyor appointed as Court Commissioner to suggest possible ways of division of suit schedule properties item No.1 to 9 and also Sri. KPJ, Advocate of Gundlupet Bar Association is appointed as Court Commissioner to suggest the division of the property of the item No.10 mentioned in the FDP by meets and bounds as per the decree.

Court Commissioner Fees is fixed at ₹.1,000/- each for nomination of counsels.

Issue commissioner warrant in form No.10 if PF and Commissioner fee is paid, Await further order and report by 14.03.2025.

**(SHIVAKUMARA.G.J.)
Pri. Civil Judge and JMFC.,
Gundlupet.**