

ORDER ON IA.NO.I

This application has been filed by the petitioners U/Sec.54 of CPC praying to appoint ADLR, Chamarajanagara as Court Commissioner to demark the agricultural lands and further to appoint an Advocate as Court Commissioner to demark the house and vacant site properties and to report the same with sketch to this court in pursuant of the judgment and decree passed by this Court in OS.No.27/2015.

Despite of services of notices to all the respondents, they remained absent as such all the respondents were placed expate. Perused the documents available on record and also I have heard the ld. Counsel for the petitioners.

The plaintiffs had filed OS.No.27/2015 for the relief of partition and separate possession. This Court had decreed the suit on 16.08.2022 and proceeded to list the matter suo-moto to take steps U/O XX Rule 18 of CPC by registering FDP in compliance with the judgment of The Hon'ble

Apex Court in Civil Appeal Nos.6406-6407 of 2010 DD:13.06.2022. After registering the FDP the notices were issued to all the respondents, since they did not appear, they were placed exparte.

Now, this application is being filed. Since the suit of the plaintiffs was decreed as per OS.No.27/2015, in order to give effect to that judgment, the final decree has to be drawn. Once there is an effective preliminary decree, it is the duty of the Court to draw the final decree and moreover absolutely none of the respondents are contesting this matter. For these reasons I do not find any good reasons to reject this IA No.I. As a result, I proceed to pass the following:-

ORDER

The ADLR, Chamarajanagara Taluk is hereby appointed as Court Commissioner for the purpose of demarking the agricultural lands i.e., item nos.1 to 5 properties and report the same with sketch to this Court strictly in accordance with the judgment and decree passed by this Court in OS No.27/2015.

Further the Id. Counsel RM is hereby appointed as Court Commissioner for the purpose of demarking of the non agricultural lands i.e., item nos.6 to 8 properties and report the same with sketch to this Court strictly in accordance with the judgment and decree passed by this Court in OS.No.27/2015.

The Court Commissioners fee is tentatively fixed at the rate of Rs.4,000/- each. Office to issue Commissioners warrant upon receipt of the Commissioners fee. Hence IA No.I is hereby disposed off. Await Court Commissioners report by 23.09.2024.

17.08.2024.

The Civil Judge & JMFC, Yelandur.