

ORDER ON I.A.NO.I

The present application filed by the applicant u/o 26 Rule 9 along with Sec. 54 R/w Sec.151 of Code of Civil Procedure seeking order of the court to appoint the ADLR, Channagiri as court commissioner to measure the item No.1 to 4 schedule property and seeking order of the court to appoint the Assistant Executive Engineer, PWD,

Channagiri as court commissioner to measure the item No.5 schedule property and to submit report to the court.

2. In support of the application the petitioner No.1 sworn an affidavit and stated that, she know the facts of the case. She has filed the present petition for final decree proceedings with regard to allotment of share as per preliminary decree. It is very much necessary to appoint ADLR, Channagiri to effect division in the item No.1 to 4 schedule property and to appoint the Assistant Executive Engineer, PWD, Channagiri as court commissioner to measure the item No.5 schedule properties as per the shares declared in the preliminary decree in O.S.No.128/2020 decreed on 21.12.2023 to the petitioner and respondents 2/3th share each in petition schedule properties. If the application is allowed no harm will be caused to the other side and if not she will be put to great injustice and cause much inconvenience. Hence it is prays to allow the application in the ends of justice and equity.

3. The respondent placed exparte. Hence, there is no objection found in the record.

Hence, the following:

ORDER

IA No.I filed by the applicant/petitioner No.1 under Order XXVI Rule 9 , Sec. 54 R/w Section 151 of CPC., is allowed.

Consequently the ADLR, of Channagiri is appointed as Court Commissioners to effect division in the item No.1 schedule property and Assistant Executive Engineer, PWD, Channagiri is appointed as Court Commissioners to effect division in the item No.5 schedule property as per preliminary decree and submit their report to the court for measuring and demarcating the petition schedule properties.

The tentative court commissioner fee is fixed at Rs. 1,500/- each.

The petitioner is hereby directed to pay court commissioners' fee in the office within 7 days from the date of this order.

Call on

**I Addl. Civil Judge & JMFC.,
Channagiri.**