

ORDERS ON I.A.No. 11

I.A.No.11 filed by the petitioners under order 26 Rule 9 R/W sec. 151 of CPC requesting the Court to appoint Assistant Executive Engineer P.W.D. Harihara as a Court commissioner to effect B schedule property division of schedule B property as per preliminary decree and so also ascertain feasibility of division of property as per share of parties as decided in preliminary decree.

The counsel for respondent No.8 and 9 have filed objections and contended that, there is no reasonable grounds made out in the application. Further contended that, these respondents have filed objection to the commissioner report already stating that, no notice is served on these respondents while conducting measurement of A schedule property and even the commissioner report does not reveal that, they have served the notice on these respondents. Hence requested to dismiss the application.

Heard on both sides. Perused the records placed before the Court.

As per records it is not in dispute that, suit in O.S. No.03/2011 was disposed off,

wherein it is held that, the petitioner is entitled for 1/112th share in suit B schedule mentioned property by metes and bounds. Now petitioners requesting the court to appoint Assistant Executive Engineer P.W.D. Harihara as court commissioner to ascertain feasibility of division of properties as per preliminary decree. Such being the fact there is no impediment to proceed with the matter. Hence I proceed to pass the following:

ORDER

I.A.No.11 filed by the petitioners U/O.26 Rule 9 R/W Sec. 151 of CPC is hereby allowed.

The Court Commissioner fee tentatively fixed as Rs.2,000/-.

If Court commissioner fee is deposited, office is directed to issue commission warrant if necessary process is paid by petitioner.

Call on :

Sd/-

Senior Civil Judge
Harihara.