

**IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE &
JMFC., PUTTUR D.K..**

DATED THIS THE 12th DAY OF JANUARY 2026

:PRESENT:

**Sri.Devaraj.Y.H., B.A.L., L.L.B.,
I ADDL. SENIOR CIVIL JUDGE & JMFC.,
PUTTUR.**

EXECUTION Pet.No.10/2024

Decree holder		Sri. Vishwanatha Naik
<u>Versus</u>		
Judgment Debtor		Sri. Bhaskara Naik and another
<u>IA No.1/2025</u>		
Applicant		Sri. Vishwanatha Naik
Versus		
Opponents		Sri. Bhaskara Naik and another

**ORDERS PASSED ON IA No.1 FILED BY THE
APPLICANT UNDER SECTION 54 R/W SECTION 151 OF
CPC**

This IA filed by the applicant/DHR and prays to order the Collector or any gazetted sub ordinate officer of the Collector for the purpose of separation of shares to the parties and to file the report to the court along with sketch for consideration as per the Execution petition and further

grant such other reliefs as this Court deems fit to grant under the circumstances of the case.

2. In support of the IA counsel for the DHR filed that memo of facts and stated that OS no.16/2016 was filed seeking for the relief of partition and separate possession and the said suit came to be decreed as per the compromise entered between the parties on 30-11-2018. It is stated that despite passing of the decree the properties in question have not been divided by metes and bounds, as such in order to implement and to enforce the decree, it is essential to appoint Collector or any gazetted Subordinate Officer of Collector to conduct physical division of the properties as per the terms of the compromise. Hence prays to allow the IA and grant the relief as prayed for.

3. Counsel for the JDRs' submits no objections to allow the IA.

4. Heard on IA. Perused the IA and material particulars available on record. Below mentioned points arisen for my consideration.

P O I N T S

1. Whether the applicant/DHR made out grounds to consider the IA No.1, which is filed under Section 54 r/w Sec.151 of CPC and grant the relief as prayed for?

2. What Order?

5. Heard Counsel for both parties.

6. Perused the material particulars available on record.

My findings to the above points is as hereunder.'

Point Nos. 1 : In the Affirmative.

Point Nos.2 : As per the final order
for the following reasons.,

R E A S O N S

7. Point No.1: Perused the material particulars available on record. This Execution petition is filed for enforcement of compromise final decree passed in OS no.16/2016. The present IA filed by the counsel for the

DHR and prays to appoint the Collector or his Subordinate to make division of the properties mentioned in OS no.16/2016 as per the compromise final decree and submit his report along with sketch in order to facilitate this Court to make division of the properties and allot the share of the respective parties to this petition by metes and bounds.

8. Counsels appearing for the JDR no.1 submits no objections to allow the IA no.1.

9. on perusal of the records, it clarifies that in OS no.16/2016 parties to the suit have compromised the matter before the Lok Adalat and as per the terms and conditions mentioned in the compromised petition, this Court by accepting the compromise petition filed by both parties under order 23 rule 3 r/w Sec.151 of CPC decreed the suit and final decree was also drawn to that effect. The compromise petition filed by both parties in OS no.16/2016 was ordered to be treated as part and parcel of the final decree. Since the final decree has already been drawn in OS no.16/2016 question of readjudication the same in another petition to draw final decree is unwarranted, as

such it is essential to direct the competent officer as per Sec.54 of CPC to divide the properties mentioned in the compromise final decree passed in OS no.16/2016 and to prepare a sketch in terms of the compromise final decree and submit along with his report. Hence the application which filed by the counsel for the DHR is deserved to be allowed. With all these discussions this Court opines that Surveyor attached to the officer of Puttur Taluk has to be appointed as Commissioner to carry out the Commissioner work as per the compromise final decree passed in OS no.16/2016 and to submit his report. Hence I proceed to answer point no.1 in the Affirmative.

10. **Point nos. 2:** For the reasons as discussed in Point Nos.1, I proceed to pass the following.,

ORDER

IA No.1 filed by the applicant/DHR
under Sec.54 r/w Sec.151 of CPC is
allowed.

Surveyor attached to the officer of Puttur Taluk is appointed as a Court commissioner and directed to visit the properties as mentioned in OS no.16/2016 and inspect the same and thereby make a division, prepare a sketch in accordance with the terms mentioned in the compromise final decree passed in OS no.16/2016 and submit his report along with the sketch.

Both parties are directed to file the memo of the instructions to the Court commissioner.

(Dictated to the Stenographer and typed by her and corrected by me and then the Order pronounced in the open court today on 12th day of January 2026)

(Devaraj.Y.H.,)
I Addl. Senior Civil Judge &
J.M.F.C, Puttur, D.K.