

ORDERS

Advocate for petitioner has filed I.A. U/O. 26 Rule 13 of CPC for appointment of court commissioner i.e., City Surveyer Dharwad or any officer not below the rank of the City Surveyer to conduct the measurment and make partition in the suit property by metes and bounds as per priliminary decree.

In the affidavit of I.A. it is averred that as per judgement and decree in respect of suit property, The City Surveyer Dharwad or any officer not below the rank of the City Surveyer may be appointment court commissioner for measurement and make sub division in the suit property. Hence, prays to appoint court commissioner. Hence prays to allow the application.

Heard counsel for petitioner.

On perusal of materials on record the present petition is filed by the petitioner seeking final decree proceedings to handing over the physical possession of her 1/15th share in the suit property by deviding metes and bounds. Now petitioner has come up with application seeking appointment of court commissioner to measure and mark and sub-division the share of the petitioner. The reasons assigned by the petitioner is justifiable at this stage. Hence, the application deserved to be allowed.

Accordingly, I pass the following.....

ORDER

I.A. filed the petitioner U/O 26 Rule 13 of CPC is hereby allowed.

Accordingly, ADLR/ Surveyer Dharwad is appointed as court commissioner to measure, mark, bifurcate and sub-division the suit property. Commissioner fees is fixed at Rs.2,000/-.

For deposit the court commissioner fees and memo of instruction. Call on 16-02-2024.

Prl.Civil Judge & Prl. JMFC
Dharwad.