

ORDER

The DHr has filed application under order 26 rule 9 of C.P.C seeking appointment of court commissioner for execution of the sale deed.

In the accompanying affidavit the DHr submitted that he has filed suit against the JDr and the said suit came to be decreed. As per the decree, the JDr has not come forward to execute the sale deed in favour of DHr. Hence, the DHr, preferred the present application to appoint the court commissioner to execute the sale deed. Hence prays for allow the application.

In spite of service of notice the JDr, has not appeared before the court and not filed any objection. Hence, JDr, placed exparte.

On perusal of the entire record, the DHr filed suit in OS No.145/2016 against the JDr. The suit came to be decree. As per decree passed in OS No.145/2016, the JDr has not delivered the possession of property. Hence, the present petition filed by the DHr for execution of sale deed as per order decree passed in OS No.145/2016. Since the JDr, placed exparte, the appointment of court commissioner is necessary for execution of sale deed as per decree passed in OS.No.145/2016. Accordingly, I proceed to pass the following order.

ORDER

The application filed by the DHr U/O 26 Rule 9 of CPC is hereby allowed.

The Holenarasipura Bar Association advocate is appointed as a court commissioner for execution of the

sale deed as per the decree passed in
OS.No.145/2016.

It is directed to the DHr to suggest
the name of the advocate.

The court commissioner fee
tentatively fixed of Rupees.1,500/-.

(R.Mahesha)
Civil Judge & J.M.F.C,
Holenarasipura.