

20.07.2023

FDP.No.20/2016

ORDERS ON IA NO.I

This is an application filed by the plaintiff/petitioner U/o.26 Rule 13 R/w. Sec.151 of CPC for appointment of court commissioner for the purpose of dividing the suit schedule properties as per the decree passed in O.S.No.159/2013.

2. On the other hand, the respondent No.4 to 7 filed their objections stating that, R.A.No.110/2016 is pending before Hon'ble District Court. Hence, in view of pendency of regular appeal he prayed to dismiss the application.

3. Heard on application.

4. The counsel for respondent No.4 to 7 filed his objections stating that regular appeal is pending before Hon'ble District Court. But this court has received orders from Hon'ble District Court and appeal is disposed on 29.01.2022.

5. Hence, I have no reason to disbelieve the contents of affidavit filed in support of IA No.I. Therefore, the IA No.I filed by the plaintiff is liable to be allowed for appointment of court commissioner, and it will also assist this court for effecting the partition. Accordingly, I proceed to pass the following;

ORDER

IA No.I filed by the plaintiff U/o.26 Rule 13 R/w Sec.151 of CPC is hereby **allowed**.

Learned ADLR, Haveri is appointed as court commissioner to carry out commission work as per decree passed in O.S.No.159/2013. In respect of schedule 'A' property. Tentatively the court commissioner fee is fixed at Rs.2,000/-.

Further learned advocate from the Bar is appointed as court commissioner to carry out commission of as per decree passed in O.S.No. 159/2013. In respect of schedule 'B' property with assistance of ADLR. Tentatively the court commissioner fee is fixed at Rs.2,000/-.

For depositing court commissioner fees and production of decree in R.A.No.110/2016.

Call on: 07.08.2023.

Sd/- 20.07.2023.

Addl. Senior Civil Judge & JMFC,
Haveri.