

ORDER ON IA.NO.I

The petitioners have filed IA No.I U/O 26 Rule 13 R/W Sec.54 of CPC with a prayer to appoint a Taluka Surveyor as court commissioner, Ranebennur to suggest the scheme of partition and submitted proposal of division of suit 'A' schedule properties in terms of preliminary decree passed in OS No.60/2018, dtd: 04-01-2020 in the interest of justice and equity.

2. It is stated in the accompanying affidavit the petitioner No.1 has stated that, they have obtained preliminary decree for partition and separate possession of 1/16th share in item Nos.1 and 3 of the suit 'A' schedule properties. Hence, it is just and necessary to appoint a Taluka Surveyor as Court Commissioner to suggest the scheme of partition and submit proposal of division of item Nos.1 and 3 of suit 'A' schedule properties in terms of preliminary decree. Hence this application.

3. Respondents have not filed objections to the said application.

4. Heard petitioner counsel and perused the application.

5. The points arise for my consideration are as follows :-

1) Whether the petitioners have made out sufficient grounds to allow the application?

2) What order?

6. My findings on the above points are as under :-

Point No-1 : In the Affirmative.

**Point No-2 : As per final order,
for the following:**

REASONS

7. **Point No.1:-** Petitioners have obtained preliminary decree for partition and separate possession of 1/16th in item Nos.1 and 3 of suit 'A' schedule properties. Said decree has not been challenged. Hence, this court has no impediment to proceed with the final decree proceedings. It is just and necessary to obtain report from the Taluka Surveyor, Ranebennur in respect of Item nos.1 and 3 of the suit 'A' schedule properties to effect partition by metes and bounds in accordance with preliminary decree. Accordingly, I answer the above **point in the Affirmative.**

8. **Point No-2 :-** In view of the above discussion, I proceed to pass the following:

ORDER

**I.A.No.I filed by the petitioners
U/Sec. XVI Rule 13 R/W Sec.54 of
CPC is hereby allowed.**

**Taluka Surveyor, Ranebennur is
appointed as a Court Commissioner
to suggest the scheme of partition
and submit the proposal for
division of item Nos.1 and 3 of suit
'A' schedule property in
accordance with the preliminary
decree passed in OS No.60/2018,
dtd: 04-01-2020.**

Call on :

**(Sri. Manjunatha M.S.)
2nd Addl. Sr. Civil Judge &
JMFC, Ranebennur.**