

ORDERS ON IA NO.1

Petitioner has filed IA No. 1 U/o 26 Rule 13 of CPC to appoint court commissioners to effect scheme of partition as per preliminary decree passed in O.S.No.215/1989.

On the other hand respondent No. 2 to 22 submits no objection. Inspite of sufficient opportunity respondent No. 1 failed to file objections.

Perused and heard.

Admittedly, the O.S.No.215/1989 was decreed by allotting 2.5/100 Share in all the suit schedule properties by metes and bounds except schedule B(2) property. The said order was challenged in RA No. 26/1992 on the file Hon'ble court of Senior Civil Judge Senior Division and Prl. JMFC, Ranebennur. Further, subsequently filed RSA No. 2151/2006 before Hon'ble High Court of Karnataka, wherein the orders passed by the trial court has been confirmed. Hence, to effect the scheme of partition as per preliminary decree filed present petition. Though the respondents appeared before the court, but not contested the matter. Respondent No. 2 to 22 submit no objections to present application. Accordingly, to execute judgment and decree passed in OS No. 215/1989 and to propose the scheme of partition it is just and necessary to appoint Taluk surveyor and member of the Bar as Court Commissioners. Hence, I proceed to pass the following:

::ORDER::

The IA No. 1 filed by the petitioner U/o 26 Rule 13 of CPC is hereby allowed.

The Taluk Surveyor, Ranebennur is appointed as Court Commissioner to effect the scheme partition in terms of preliminary decree pertaining to Suit schedule Item No. A(1) to (4) properties.

Advocate Sri. is appointed as court commissioner to effect the scheme partition in terms of preliminary decree pertaining to the suit schedule B(1) CTS property.

The Court Commissioners fee is fixed at Rs.3,000/- each tentatively.

Issue Commissioners warrant along with necessary documents if Court Commissioners fee paid along with PF, R/by 19.07.2024.

Sd/-

PrI. Civil Judge & JMFC,
Ranebennur.

