

Dated:31-07-2025

**ORDER ON IA NO.I**

The Petitioner has filed application Under Order 26 Rule 9 r/w Sec.151 of CPC seeking to appoint the court commissioner for determination of share of petitioners as per preliminary decree passed in O.S.No.290/2016 dated 18-08-2023 in respect of the suit schedule properties, in the interest of justice and equity.

2. In the affidavit accompanying to the IA stated that petitioner had filed suit for partition and separate possession against the defendants in O.S.No.290/2016 and same was decreed on 18-08-2023. Therefore they have filed this petition for final decree as per preliminary decree. Hence, petitioner prays to appoint the Court Commissioner for the determination of shares as per preliminary decree passed in O.S.No.290/2016 dated 18-08-2023.

3. The Respondents have not appeared before the court and they remained absent.

4. Heard the counsel and perused materials on record.

5. The Petitioner/Plaintiff had filed suit for partition and separate possession in O.S.No.290/2016 against the defendants and the same was decreed on 18-08-2023 and plaintiff is entitled for 1/4<sup>th</sup> share in the suit schedule properties and allotted the defendants share as well. The preliminary decree drawn on 31-08-2023. Therefore, it is necessary for the determination of share of petitioners as per preliminary decree in the suit schedule properties. Therefore it is necessary to allow the application. Hence, I proceed to pass the following,

**ORDER**

The IA No.I filed by the petitioner under Order 26 rule 9 r/w Sec.151 of CPC is hereby allowed.

The Taluka Surveyor, Savanur, is hereby appointed as Court Commissioner for determination of shares in suit schedule properties as per preliminary decree passed in O.S.No.290/2016 dated 18-08-2018.

Rs.3,000/- is fixed for Court Commissioner fees.

The Court Commissioner is hereby directed to determine the shares as per preliminary decree passed in O.S.No.290/2016 dated 18-08-2023 in the presence of both parties and submit the report to the court.

Office is directed to issue Court Commissioner Warrant.

For Court Commissioner Report,

Call on 10-09-2025

**CJ & JMFC, Savanur.**