

ORDER

The petitioner has filed application U/o 26 rule 13 of CPC.

2. The applicant has contended that in order to make partition of suit item No.1 property appointment of Court Commissioner is necessary. On the said grounds the applicant has prayed for appointing the court commissioner in the form of ADLR Afzalpur for making division of the suit item No.1 property as per the decree passed on in O.S No.39/2021.

3. The respondents have remained absent.

4. Heard the arguments.

5. Perused the records. It appears that the petitioner/plaintiff is granted $\frac{1}{2}$ share in the suit item No.1 landed property.

6. Hence in order to make the division of the suit item No.1 property the appointment of commissioner in the form of ADLR is necessary for the landed property. The suit item No.1 is the landed property. Hence appointment of ADLR Afzalpur as court commissioner for division of suit item No.1 landed property appears to be necessary.

Hence the application filed by the petitioner is hereby allowed.

7. The ADLR of Afzalpur is appointed as Court Commissioner for submitting the proposal for division of suit item No.1 landed property as per the preliminary decree passed in O.S No.39/2021. The court commissioner is directed to make 2 divisions in the suit item No.1 landed property for giving $\frac{1}{2}$ share to the petitioner and to submit his report.

The court commissioner fee is tentatively fixed at Rs.1,000/-

Issue commissioner warrant on payment of commissioner fee and PF.

By 13-06-2024.

Senior Civil Judge & JMFC.,
Afzalpur.