

FDP No-23/2025

The advocate for the respondent No-3 and 4 submitted that, application may be allowed.

Heard on IA No-1.

For order.

Senior Civil Judge & JMFC.,

Afzalpur.

## ORDER

The petitioner has filed application U/o 26 rule 13 R/w sec.151 of CPC.

2. The petitioner has contended that, in order to make partition of suit property appointment of Court Commissioner is necessary. On the said grounds the petitioner has prayed for appointing the court commissioner for making division of the suit property as per the decree passed in O.S No.42/2023.

3. Heard the arguments.

4. Perused the records. It appears that the petitioner was granted 1/6th share in the suit property. The respondent No-1 and 2 were granted 1/6th share each in the suit property. The respondent No-2 was granted 1/16th share in the suit property. The respondent No-4 was granted 7/16<sup>th</sup> share in the suit property. Hence the petitioner has made out grounds for allowing the present application.

5. Hence in order to make the division of the suit property the appointment of court commissioner in the form of ADLR is necessary.

Hence IA No-1 filed by the petitioner is hereby allowed.

The ADLR of Afzalpur is appointed as Court Commissioner for submitting the proposal for division of suit property bearing

1] Survey No-139/1 measuring 14 acre 20 gunta of land situated at Mannur village.

as per the preliminary decree passed in O.S No-42/2023. The court commissioner is directed to make necessary 5 divisions in the suit property for giving 1/6th share to the petitioner and 1/6th share to the respondent No-1 and 1/6th share to the respondent No-2 and 1/16th share to the respondent No-3 and 7/16<sup>th</sup> share to the respondent No-4 and to submit his report. The court commissioner is at liberty to take necessary help of the surveyor for the commission work.

The court commissioner fee is tentatively fixed at Rs.1,500/-

For payment of commissioner fee and PF.

Senior Civil Judge & JMFC.,  
Afzalpur.