

FDP No-34/2025

The advocate for the respondents Sri.SGH submitted that, IA No-1 may may be allowed.

No representation by the other respondents.

Heard on IA No-1.

For order.

Senior Civil Judge & JMFC.,

Afzalpur.

ORDER

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

2. The petitioners have contended that, in order to make partition of the suit properties appointment of Court Commissioner is necessary. On the said grounds the petitioners have prayed for appointing the court commissioner for making division of the suit properties as per the decree passed in O.S No.62/2021.

3. Heard the arguments.

4. Perused the records. It appears that the petitioners were granted 1/3rd share in the suit item No-1 and 2 properties. The respondent No-1 to 12 were granted 1/3rd share in the suit item No-1 and 2 properties. The respondent No-13 to 21 were granted 1/3rd share in the suit item No-1 and 2 properties. Hence the petitioners have made out grounds for allowing the present application.

5. Hence in order to make the division of the suit item No-1 and 2 properties the appointment of court commissioner in the form of ADLR is necessary.

Hence IA No-1 filed by the petitioners 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-151/2 measuring 8 acre 36 gunta of land situated at Devalaganagpur village.

2] Survey No-231/8 measuring 4 acre of land situated at Devalaganagpur village.

as per the preliminary decree passed in O.S No-62/2021. The court commissioner is directed to make necessary 3 divisions in the suit item No-1 and 2 properties for giving 1/3rd share to the petitioners and 1/3rd share to the respondent No-1 to 12 and 1/3rd share to the respondent No-13 to 21 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.2,000/-

For payment of commissioner fee and PF.

By 13-03-2026.

Senior Civil Judge & JMFC.,

Afzalpur.