

17-02-2026

FDP No.08/2013

**ORDER ON I.A. No.15 FILED BY THE
PETITIONER UNDER ORDER 26 RULE 13
R/w Sec.151 OF C.P.C.,**

The petitioner has filed IA No.15 U/o 26 rule 13 R/w Sec.151 of CPC praying to appoint ADLR, Jewargi as court commissioner to effect partition as per modified preliminary decree in respect of land bearing Sy.No.47/1, measuring 06 acre 39 guntas, to allowed to the 1/9th share of share of deceased Chandavva to the respondent No.4.

2. The petitioner sworn affidavit of I.A.No.15 stated that, as per modified preliminary decree dated 08-12-2025 and as per order passed in MSA No.200514/2021-22 dated 11-08-2022, the respondent No.4 is directed to appoint the court commissioner at his expenses to get the 1/9th share of Chandavva in respect of land bearing Sy.No.47/1 measuring 06 acre 33 guntas.

But respondent is not ready to comply and obey the order passed by the hon'ble High Court of Karnataka, hence, the applicant filed this application for seeking a relief of appoint a court commissioner. In spite of sufficient opportunity the respondent No.4 not filed a objection to I.A.No.15.

3. Heard the arguments.

4. Upon hearing the arguments and on perusal of the materials on record, the following points will arise for my consideration:

Point No.1:- Whether IA No.15 filed by the petitioner under Order 26 Rule 13 R/w Sec.151 of CPC are deserves to be allowed?

Point No.2:- What Order ?

5. My findings to the above points are as under:

Point No.1:- In the Affirmative.

Point No.2:- As per the final order, for the following;

REASONS

6. **Point No.1:-** I have perused the contents of the application. It was contended that, ADLR, Jewargi has to be appointed as court commissioner in order to effect partition in the suit schedule properties by metes and bounds.

7. The petitioner has filed this petition for drawing a final decree as per modified preliminary decree dated 08-12-2025 as per order of hon'ble high Court of Karnataka, Kalaburagi Bench, order passed in MSA No.200514/2022 dated 11-08-2022.

8. As per modified decree the 1/9th share of deceased Chandavva is allotted to the respondent No.4. hence, it is necessary to effect partition by metes and bounds and to draw a final decree. More so, the Court Commissioner will go and measure the properties and will effect the partition. It will definitely help the court to give proper finding in the adjudication of the matter. When such being the circumstances of the case, in order to effect the partition by metes and bounds in the schedule properties it is just and

necessary to appoint ADLR, Jewargi as Court Commissioner to effect partition and demarcation of landed suit schedule property of land bearing Sy.No.47/1, measuring 06 acre 33 guntas, by metes and bounds as per modified decree of O.S.No.138/2012. Hence, I answer Point No.1 in the affirmative.

9. Point No.2:- For the above findings given in the point no.1 , I proceed to pass the following

ORDER

The IA No.15 filed by the petitioner under Order 26 Rule 13 R/w Sec.151 of C.P.C., are hereby allowed.

Consequently, the Taluka Surveyor, Jewargi attached to the office of Tahasildar Jewargi is appointed as Court Commissioner to effect and divide suit schedule agricultural land bearing Sy.No.47/1, measuring 06 acre 33 situated at Halgattarga village, by metes and bounds.

Both the parties are at liberty to file memo of instructions well in time.

Commissioner fee of Rs.1,500/-is fixed to be deposited by the applicant/petitioner.

The commissioner to execute the commission warrant at the earlier stage and to submit the report in that regard.

For memo of instruction if any by 18-02-2026,

Civil Judge and JMFC
Jewargi.