

26.7.2023.

Order on IA U/O 26 Rule 13 of CPC

The petitioners have filed this application U/O 26 Rule 13 of CPC and to appoint the Tahasildar Basirabad Mandal, District Vikarabad as court commissioner to propose partition in the petition schedule properties as per the preliminary decree.

2. The counsel for the petitioners has filed memo of facts in support of IA and stated that the suit properties are situated at Ekmai Mandal Basirabad, Dist: Vikarabad. Hence prays to allow the IA.

3. The respondents have not filed objection to IA.

4. Perused the records. Heard arguments.

5. On perusal of the records it is found that this court passed judgment and decree allotting 1/4th share each to the petitioners/plaintiffs in the suit schedule properties. The suit properties are situated at Ekmai Mandal Basirabad, Dist: Vikarabad. Therefore it is just and necessary to appoint the Tahasildar Basirabad Mandal as court commissioner to effect partition in the suit properties as per the preliminary decree. Hence the following:

ORDER

The application filed by the petitioners U/O 26 Rule 13 of CPC is hereby allowed.

The Tahasildar, Basirabad Mandal, Dist: Vikarabad is appointed as court commissioner to propose partition

in petition schedule properties as per the modified preliminary decree passed by this court in O.S.No.28/2012.

Court commissioner fee is fixed at Rs.2,000/-.

Office to issue commissioner warrant to Tahasildar, Basirabad Mandal, Dist: Vikarabad.

Office to annex copy of the modified preliminary decree and RTC extracts and Khata extracts of the suit properties to the commissioner warrant.

For await report 2.9.2023.

**Senior Civil Judge & JMFC,
Sedam.**