

Order on IA U/O 26 Rule 13 of CPC

The petitioner has filed this application U/O 26 Rule 13 of CPC and sought to appoint court commissioner/ADLR Sedam to propose partition in the petition schedule properties.

2. The petitioner has sworn to an affidavit and stated that he had filed the suit for partition in OS No.46/2025 and the same was decreed. Therefore, in order to effect partition by metes and bounds court commissioner may be appointed. Hence, prays to allow the IA.

3. Perused the records. Heard arguments.

4. The decree of this court shows that the petitioner had filed suit in OS No.46/2025 and the same was decreed allotting 4/9th share to the plaintiff in the suit items 3 and 4 properties. Therefore, it is just and necessary to get commissioner report to enable this court to pass final decree. The suit items 3 and 4 properties are agricultural lands. Therefore, it is just and necessary to appoint the Tahasildar/ADLR Sedam as Court commissioner to propose partition in the suit items 3 and 4 properties. Hence the following:

ORDER

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

The Tahasildar/ADLR Sedam is appointed as court commissioner to propose partition in suit items 3 and 4 properties as per the preliminary decree of this court in O.S.No.46/2025.

The Tahasildar/ADLR Sedam is directed to visit the suit items 3 and 4 properties to measure and survey the suit lands and propose partition in the suit items 3 and 4 properties as per the preliminary decree of this court in OS NO.46/2025 by preparing sketch and submit the report to this court.

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

Office to issue commissioner warrant to Tahasildar/ADLR Sedam.

Office to annex copy of the preliminary decree of this court and RTC Extracts to the warrant.

For await report call on 30.04.2026.

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