

ORDERS ON APPOINTMENT OF COMMISSIONER

The above application is filed by the DHR U/o 26 R.10(a) r/w Sec.151 of CPC seeking to appoint Advocate Sri.Somashekhar N KAR/4757/2022 as court commissioner to execute the registered Sale deed in respect of the petition schedule property as per the decree passed by this Court.

It has been stated in the affidavit filed by the DHR that, he has filed this petition against the JDR to execute the decree passed in O.S. No.140/2019 on the file of this Hon'ble court. In the present case the cause notice served to the JDR and he was placed exparte. Since the suit schedule property is the revenues property in order to execute the sale deed as per the judgment and decree of this Hon'ble court in the above said O.S. 140/2019 vide judgment dated:13.07.2019, it is just and necessary to appoint the Court Commissioner to execute the registered sale deed and which is most essential to enjoy the fruit of decree passed in O.S. No.140/2019. Accordingly prayed to allow the application.

3. In spite of given sufficient time, the respondent did not file objection to the application. His objection taken as nil.

4. Heard the arguments.

5. Perused the entire materials on record.

6. It has been stated in the affidavit filed by the DHR that, he has filed this petition against the JDR to execute the decree passed in O.S. No.140/2019 on the file of this Hon'ble court. In the present case the cause notice served to the JDR and he was placed exparte. Since the suit schedule property is the revenue property in order to execute the sale deed as per the judgment and decree of this Hon'ble court in the above said O.S. 140/2019 vide judgment dated:13.07.2019, it is just and necessary to appoint the Advocate Sri.Somashekhar N. as Court Commissioner and which is most essential to enjoy the fruit of decree passed in O.S. No.140/2019. Therefore, in my view the DHR has made out sufficient grounds to appoint court commissioner as prayed. Therefore, in this view of the matter, it is just and necessary to appoint the Court Commissioner for the purpose of execution of the registered sale deed. Hence, the application deserves to be allowed. Accordingly following order is passed.

:ORDER:

I.A. filed by the petitioner U/o 26 R.10(a) r/w Sec. 151 of CPC is hereby allowed.

Advocate Sri.Somashekhar N KAR/4757/2022 is appointed as court commissioner for the purpose of execution of registered sale deed in respect of the petition schedule property and submit report in that regard.

The court commissioner fee is tentatively fixed at Rs.3500/-.

The DHR is directed to deposit commission fee of Rs.3,500/- and furnish necessary copies.

Issues court commissioner's warrant as ordered above after compliance of the above order with intimation to the concerned accordingly.

Call on for the above compliance by

I Addl. Civil Judge and JMFC.,
Malavalli.