

FDP 17/2017: 19.01.2019

Commissioner report received. It appears from commissioner report that survey work not carried out as respondents have objected to carry out work and commissioner prayed for police protection.

Smt. BRL advocate for petitioner filed IA No.1 u/s 151 of CPC along with affidavit for police protection. Respondents called out. Absent. No representation. Hence, objection is taken as not filed. Heard argument and perused record. It appears from record that though this Court has issued commission warrant to execute warrant to demarcate properties as per preliminary decree, the same was returned unexecuted as respondents have objected to carry out work and commissioner prayed for police protection. The commission report also discloses that warrant not executed for want of police help. Hence, it is just and necessary to permit the petitioner to take help of local police to get execute warrant. Hence, IA is allowed.

Reissue commission warrant to demarcate suit schedule properties as per preliminary decree. Further office is order to issue direction to the concerned police to provide necessary police protection to the commissioner to carry out commission work.

For Await commissioner report by 02.03.2019.

ASCJ, SRIRANGAPATNA