

FDP 20/2017: 01.10.2018

Heard Smt. BRL advocate for petitioner on IA filed u/o 26 rule 10 r/w 151 of CPC along with affidavit and perused record. It appears that petitioner had filed the suit in OS 62/2011, on file of this Court for partition and separate possession and the same was decreed by this Court on 29.03.2014. The petitioner has also produced certified copy of preliminary decree. As per the preliminary decree, the plaintiff is entitled for 1/6th share in a suit schedule properties. Even after preliminary decree the defendants have not effected partition. There are no materials on record show that the defendants have challenged judgment and decree passed by this court. It appears that Item No.1 of the suit schedule property is landed property and Item No.2 are house and vacant site properties. Since Item No.1 of suit property is agricultural immovable property and revenue payable to government it is necessary to appoint Taluk Surveyor as commissioner for partition and separate possession of Item No.1 of the suit property and appoint an advocate of bar as Court commissioner for demarcation of Item No.1 of the suit schedule properties as per preliminary decree. Hence, I proceed to pass the following:

:ORDER:

Tahasildar as Sriragapatna is

appointed as Court commissioner for demarcation of Item No.1 of suit schedule property and an advocate of bar is appointed as Court commissioner for demarcation Item No.2 of the suit schedule properties as per preliminary decreed.

Office is order to issue direction to Tahasildar of Sriragapatna to demarcate Item No.1 of suit scheudle property as per preliminary decree and submit his report by next date of hearing.

The petitioner is directed to sugget name of advocate to appoint as Court commissioner to demarcate Item No.2 of the suit schedule property by next date of hearing.

Await commissioner report and compliance of order by 15.11.2018.

ASCJ, SRIRANGAPATNA