

Case called.

2. The counsel for petitioners filed memo stating that, the defendant No.1 has reported to be dead on 20.06.2025 and the defendant No.2 to 6 are the legal heirs.

3. Further, he has filed an application under order 26 Rule 13 R/w Section 54 of CPC for appointment of Court Commissioner in order to measure the landed properties in pursuance of preliminary decree in OS No.32/2021.

4. The other parties have not filed objection to the said application.

5. Heard arguments.

6. Further, the record shows that the plaintiffs have filed the suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties before this court in OS

No.32/2021. Wherein, the Hon'ble Court was passed an order that, the parties to the suit are entitled share over the schedule properties as per the preliminary decree passed in OS No.32/2021. Therefore, the appointment of commissioner is necessary to partition of estate of plaintiffs and defendant's share. Therefore, the applications filed by the petitioners is allowed. Hence, this Court proceed to pass the following order;

ORDER

The application filed by the petitioners under Order 26 Rule 13 R/w Section 151 of CPC is allowed.

The ADLR, K.R.Nagar is appointed as a Court Commissioner in relating to allotment of share of parties over the suit schedule properties in terms of preliminary decree and submit the report.

The Commissioner fees fixed for Rs.3,000/-.

Further, the petitioners are directed to furnish the copy of preliminary decree.

For payment of court fees.

Call on: 17.03.2026

**Senior Civil Judge & JMFC,
K.R.Nagar.**