

ORDER ON I.A.I

The petitioner has filed the application under Order 26 Rule 13 C.P.C. to appoint Tahasildar/Taluk Surveyor to demarcate the schedule property as per the decree. The application was filed along with the petition.

2. Respondent is treated as absent.

3. Heard.

4. The present proceedings is the continuation of O.S.No.31/2012.

5. The present case involves one property which is landed property measuring 1 acre 20 guntas. As per the decree the plaintiff is entitled for $\frac{1}{2}$ share in the suit property. It seems that the preliminary decree has not been challenged. Therefore, it is necessary to appoint court commissioner for demarcation of schedule property, otherwise the parties to the suit cannot get fruits of the decree. Therefore, the following:

ORDER

I.A.I filed under Order 26 Rule 13 of C.P.C. by the petitioner is allowed.

The Taluk Surveyor attached to the office of Tahasildar is appointed as court commissioner.

Senior Civil Judge, Nanjangud.
20.03.2024