

Ex.No.50/2021

ORDER ON I.A.I

The decree holder filed application under Order XXVI Rule 13 r/w Section 151 of C.P.C. to appoint the A.D.L.R. as court commissioner to divide the petition schedule property as per the decree passed in O.S. 15/2017 by this court. On the other hand, the judgment debtor No.1 filed objections stating that the decree holder has not shown proper reason to appoint the court commissioner, therefore he prays to reject the application.

Heard both sides. Admittedly, O.S.15/2017 was filed for partition and separate possession and the suit was decreed. The defendant does not clarify that whether he filed appeal against the judgment of this court or not. So, nothing is forthcoming through objection that appeal is pending. If appeal is not pending, nothing is prevented to the parties to appoint court commissioner. Therefore, I.A.I is allowed. A.D.L.R. is appointed as court commissioner to divide the properties.

Issue commissioner warrant if P.F. paid.
For report, call on 06.09.2025.

Senior C.J. & JMFC.,
Nanjangud.
19.07.2025