

ORDER ON IA No.I

The applicant has filed this application under Order 26 rule 9 R/w.Sec.54 of CPC., to appoint the court commissioner through Civil Engineer by name E.Ramesh, Nanjangud as court commissioner to measure the half share as preliminary Decree passed in OS No.449/2016 and report to the court.

2. In the Annexed affidavit it is contended that, the suit seeking partition and separate possession of 1/2 share of the plaintiff and defendant and for other relief related to the suit property. This petition is filed for drawing the final decree as per the decree passed in OS No.449/2016. For this purpose report of an Engineer is absolutely necessary.

The suit in OS No.449/2016 was decreed on 25.09.2023. Hence, this application.

3. On the other hand, the opponents did not file objections. Hence, taken as not filed.

4. Heard and perused.

5. In view of the above, the following points arises for consideration;

1. Whether applicant has made out the case for filing I.A No.I under order 26 rule 9 R/w.Sec.54 of CPC ?

2. What order ?

6. This court answers the above points are as follows;

Point No.1:- In the Affirmative

Point No.2:- As per the final order for the following;

-::REASONS::-

7. Point No.1:- This is the application filed by the applicant to appoint Civil Engineer as court

commissioner for the purpose of measuring the half share of the plaintiff in the suit schedule property as per the decree passed in OS No.449/2016 in which the court has decreed 1/2 share in the suit schedule property. Hence, the plaintiff has filed this petition for drawing the final decree. It is just and necessary to appoint court commissioner to measure the suit schedule property. Accordingly, grounds are made out to allow the application and this court proceed to pass the following;

ORDER

The application filed by the plaintiff under Order 26 rule 9 R/w.Sec.54 of C.P.C. is hereby allowed.

The Civil Engineer by name E.Ramesh, Nanjangud is appointed

as court commissioner to measure the suit schedule property.

The Commissioner fee is fixed at Rs. 3,000/-

Issue commissioner warrant if commissioner fee deposited and if P.F paid.

Call on 08.01.2026

I Addl., Civil Judge & J.M.F.C
Nanjangud