

FDP 23/2015

**ORDERS ON I.A. NO.I FILED UNDER
ORDER 26 RULE 13 R/W SECTION
54 OF CPC BY THE PETITIONER**

This is an application filed by the petitioner with a request to appoint the Deputy Commissioner, Ramanagara District as Court Commissioner to effect the partition by demarcating the suit schedule item No.2 as per preliminary decree passed in OS No.182/2007, dated 26.02.2015.

In the affidavit it is stated that, the petitioner has filed suit against respondents for partition and separate possession under O.S.No.182/2007 after contest said suit came to be decreed in part on 26.02.2015. Hence petitioner prays to appoint the Court Commissioner to make partition of suit schedule item No.2. Along with the petition certified copy of judgment and decree also produced. As per decree of O.S.182/2007 petitioner is entitled to 1/2th share in suit schedule item No.2. There is no appeal by the respondent. After service of notice of this petition on the respondent No.2, he has appeared in the present case and not opposed to the main petition and present application and the respondent No.1 and 3 have placed exparte. Therefore no impediment to

this court to accept the application filed by petitioner.

Hence the Tahasildar is to be appointed as court commissioner to make partition and demarcate the share of the petitioner in suit schedule item No.2 as per preliminary decree. Hence, by the considering the nature of the case, facts and circumstances this court proceeds to pass the following:-

ORDER

I.A No.1 filed U/o XXVI Rule 13 R/w Section 54 of CPC by the petitioner is hereby partly allowed.

The Tahasildar, Kanakapura Taluk is appointed as court commissioner for demarcating the share of petitioner **in the suit schedule item No.2** as per preliminary decree.

The Commissioner fee of Rs. 2,000/- is tentatively fixed.

To deposit commissioner's fee.

Call on 20.11.2025

Prl. Civil Judge & J.M.F.C
Kanakapura