

**ORDERS ON I.A. NO.I FILED
UNDER ORDER 26 RULE 13 OF
CPC BY THE PETITIONER**

This is an application filed by the petitioner with a request to appoint the Assistant Director of Land Records, Kanakapura Taluk as Court Commissioner to effect the partition by demarcating the suit schedule properties as per preliminary decree passed in O.S.No.94/2013 dated 17-01-2019.

In the affidavit it is stated that, the petitioner has filed suit against respondents for partition and separate possession under O.S.No.94/2013 after contest said suit came to be decreed on 17.01.2019. No appeal was preferred by defendants. Hence petitioner prays to appoint the Court Commissioner to make partition of suit schedule property. Along with the petition Photostat copy of judgment and decree also produced. As per decree of O.S.94/2013, the petitioner and respondents are allotted shares in suit schedule properties. There is no appeal by the respondents. After service of notice of this petition on the respondents, they have not appeared in the present.

Therefore no impediment to this court to accept the application filed by petitioner.

Hence the Tahasildar, Kanakapura Taluk is to be appointed as court commissioner to make partition and demarcate the shares of the petitioner and respondents in suit schedule properties as per preliminary decree. Hence this court proceeds to pass the following;

ORDER

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

The Tahasildar, Kanakapura is appointed as court commissioner for demarcating the shares of petitioner and respondents in the suit schedule properties as per preliminary decree.

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

Issue Commissioner's warrant as per order **after depositing the court commissioner's fee and PF.**

Call on 21.11.2025.

Sd/-
Prl., Civil Judge & JMFC.,
Kanakapura.