

ORDERS ON APPLICATION UNDER ORDER 26 RULE 9
OF C.P.C. FILED BY THE APPLICANT/DHR
IN THE PRESENT MATTER

The Advocate for applicant/petitioner has filed an application under Order 26 Rule 9 of C.P.C seeking appointment of the court commissioner i.e., for appointing the Taluk Surveyor, Kanakapura Taluk to execute the compromise decree dated 17.01.2020 and submit the report to this court for further action in the interest of justice and equity.

The said Interlocutory Application is annexed with an affidavit wherein, the applicant has stated that, she has filed the suit in O.S No.195/2010 against the defendants for partition and separate possession in respect of the suit schedule properties and finally the court has passed a decree dated 17.01.2020. Hence, it is just and necessary to pass final decree in view of preliminary decree. Hence she seek this court to appoint the court commissioner for the purpose of demarcating her share in the suit schedule properties. Hence, prays to allow the application.

Heard.

The present petition is filed by the petitioner in order to draw final decree in pursuance to the suit filed by the plaintiff/petitioner in O.S No.195/2010 on the file of this court dated 17.01.2020 seeking for the relief of Partition and Separate Possession against the defendants/respondents over the petition schedule properties. Hence, the said petitioner/applicant has proceeded to take further steps to act in accordance to the preliminary decree passed by this court. Hence, the said application is duly considered by this court as demarcation of shares is required to be made in order to proceed further. In view of above made observations made, this court proceed to pass the following:

ORDER

The I.A No.1 filed by the petitioner/applicant under Order 26 Rule 9 of C.P.C. is hereby allowed.

Further the Taluk Surveyor, Kanakapura Taluk is appointed as Court Commissioner to demarcate the shares of petitioner/applicant on record in the petition schedule properties in terms of the preliminary decree passed in O.S No.195/2010 by this court dated 17.01.2020 as per due procedure under law.

Further the petitioner/applicant is directed to take steps as per required procedure.

The Court Commissioner fees is tentatively fixed for Rs.2,000/-. Office to also make an intimation to the Court Commissioner to submit the report in due compliance of the above said order on or before 16.04.2026 with no delay as the said matter is one of the oldest one in this court.

Office to issue commissioner warrant as per due procedure if steps taken accordingly with no delay by petitioner.

Call on: 16.04.2026

Sd/-

**I Addl., Civil Judge & JMFC,
Kanakapura.**