

KAUK510009272025



**ORDER ON I.A NO.I**

The petitioners filed I.A No.I under Order XXVI Rule 13 R/w Sections 54 and 151 of C.P.C., praying to appoint ADLR, Haliyal as Court Commissioner and to carry out measurement of the suit property and draw sketch with entire topography, 11E sketch and to effect partition of suit property and submit survey map as per terms of decree in the interest of justice.

In the affidavit, the petitioner stated that, ADLR, Haliyal is competent authority to carry to measurements and fix boundaries as per decree. Hence, prayed to appoint ADLR, Haliyal as Court Commissioner.

Heard petitioners counsel and perused the records.

This petition registered for drawing of final decree as per preliminary decree passed in O.S No.3/2024 dated 03.05.2025.

After issuance of notice, the petitioners appeared through their counsel and respondents placed absent.

Now the petitioners filed this application for appointment of ADLR as Court Commissioner to prepare scheme of partition as per preliminary decree. As already preliminary decree is passed by allotting the shares of petitioners and respondents. Under these circumstances, in order to execute decree and prepare scheme of partition as per preliminary decree, ADLR, Haliyal has to be appointed as Court Commissioner. Further, the suit property is an agricultural land bearing R.S No.69 measuring 9 acres to measure the same. The ADLR, Haliyal is proper person to measure and prepare scheme of partition and therefore, he has been appointed as Court Commissioner. Further, the respondents have not appeared and not contested the petition. Under these circumstances, there are no impediments to allow the application. Hence, I proceed to pass the following:

**ORDER**

I.A No.I filed by the petitioners under Order XXVI Rule 13 R/w Sections 54 and 151 of C.P.C., is hereby allowed.

The ADLR, Haliyal is appointed as Court Commissioner to measure the suit property and prepare scheme of partition as per preliminary decree in O.S No.3/2024 dated 03.05.2025.

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

For payment of Court Commissioner fee and P.F paid.

Call on 04.12.2025.

Sd/-

**Civil Judge & JMFC.,  
Haliyal**