

ORDER

The petitioners have filed this petition for drawing final decree as per the preliminary decree in OS. No.103/2019. The petitioners herein were the plaintiffs in said suit. As per the decree in the said suit, petitioner no. 1 and 2 are jointly entitled for 1/3rd share, the petitioner no.3 and 4 and Dathathreyya, krishnamurthy and ravi and sharada and vidya are jointly entitled for 1/3rd share. The Opponent along with krishna and narayana and his four sisters by name gowri, subbi, lalitha and pushpa are jointly entitled for 1/3rd share in the suit schedule properties.

The item No.1 to 6 of “A” schedule properties which are situated at Karki I village, Honnavar taluk are agricultural lands which are assessed to pay revenue to the government. The item no.7 is the house bearing house No.785 of Karki Gram Panchayat , Honnavar Taluk.

The learned Counsel for the opponent has filed objection to the said application.

Heard both side. There is no intimation of appeal and stay. As such, there is no any

obstacle to proceed with the present case so as to secure a scheme of partition by appointing the Court Commissioner. In order to draw final decree, it is necessary to effect partition by metes and bounds. Since the suit schedule properties are an agricultural lands assessed to pay revenue, the ADLR, Honnavar shall be appointed as commissioner to effect the partition. Hence, I proceed to pass the following:-

ORDER

The ADLR, Honnavar is hereby appointed as Court Commissioner to effect the partition as per Sec.54 of CPC.

Office is hereby directed to appoint a counsel as court commissioner to assist the ADLR Honnavar to effect the partition.

The Court Commissioner's fee for that purpose is tentatively fixed at Rs. 2,000/-

Issue Commissioner warrant along with the copy of preliminary decree and the RTC pertaining to suit schedule property if P.F paid.

Call on 26/06/2023.

Sd/-

Addl. Civil Judge and JMFC.,
Honnavar.