

Heard on I.A.No.I

Order on I.A.No.I

In the present application is filed by the counsel for petitioner to appoint a Court commissioner to sell the A schedule property by action among the parties to FDP and to deposit the sale proceeds before the Court.

In the affidavit the petitioner as taken that a preliminary decree has been passed in O.S.No.52/2014. The suit property a small piece of the land measuring 0.05 cents and it is not practicable to divide the said property in to 5 shares as per the decree. It is more practicable to sell the property by action among the parties to the FDP and divide the sale proceeds. A Court commissioner has to be appointed for conduct of sale. Hence, prayed to the allow the application.

Heard both side.

It is to be noted that the present application is not objected by the other side.

On perusal of the decree and the petition it is evident that the suit properties is a very small portion and same cannot be divided among all the 5 parties to the proceedings. It will be more practical to sell the suit properties in favour of one of the parties and sale proceeds to be divided among the remaining parties. Hence, I.A.No.1 deserves to be allowed. Accordingly, I proceed to pass the following:

ORDER

I.A.No.I is allowed.

A Court Commission is appointed to action the suit property among the parties to the proceedings.

The commission fees is fixed at Rs.3000/-, payable by the petitioner.

For suggesting the name of Court commissioner and deposit of Commission fees By 06-03-2019

Prl. Civil Judge & JMFC
Kundapura

