

IN THE COURT OF PRL.CIVIL JUDGE & J.M.F.C., SINDAGI

Present

SMT.PANKAJA KONNUR

B.A.,LL.B.

C/c. Addl. Civil Judge & JMFC, Sindagi .

F.D.P.No.35/2023

DATED THIS THE 22nd DAY OF APRIL 2026

PLAINTIFFS:

1. Babu S/o. Basappa Kyatanal

-V/s-

DEFENDANTS:

1. Anjanabai W/o. Guttappa Kyatanal
and others.

PARTIES TO I.A. No.III

APPLICANT/PLAINTIFF:

1. Babu S/o. Basappa Kyatanal

(By Sri.B.C.P., Advocate)

-V/s-

OPPONENTS/DEFENDANTS:

1. Anjanabai W/o. Guttappa Kyatanal
and others.

(By Sri.V.M.H., Adv. for D1, 2 ,4 & 5)

(By Sri.S.S.H., Adv. for D6, 8, 10 & 11)

(By Sri.P.B.B., Adv. for D12 to 14)

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1.	Provision under which application is filed	U/O.XXVI Rule 13 of C.P.C.
2.	Relief sought for	To appoint the ADLR, Sindagi as court commissioner.
3.	The date on which the application is filed	On 18.11.2025
4.	Number of application	One (I.A.No.III)
5.	The date on which the objections are filed by defendant/opponent	On 26.11.2025
6.	The date on which the order was passed on the said application.	On 22.04.2026

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ORDERS ON I.A.No.III

This petition is filed by the petitioner under Order XXVI Rule 13 of C.P.C. along with the affidavit.

2. It is contained in the application that as per the judgment and decree of O.S No.333/2020 dated 24.02.2023, the plaintiff is having 1/11th share in the suit property. Therefore, the present suit has been filed to divide the property as per the judgment and decree. Therefore, prays to Appointed ADLR Sindagi as a court commissioner for a division of the property.

3. The same is objected by the counsel for a respondent. The contention of the counsel for respondent No.1 to 5 is that as they have prepared an appeal against the judgment and decree, therefore the present application is not maintainable. Hence prays to reject the application.

4. Heard the counsel for the petitioner and perused the entire case records.

5. The following point arises for my consideration;

*Whether the applicant has made out sufficient grounds
for appointment of Court commissioner as prayed for?*

6. My answer to the above point is in the Affirmative for the following;

REASONS

7. Admittedly, this Court has passed judgment in O.S.No.333/2020, dated 24/02/2023 granting the 1/11th share to the plaintiff in above said suit properties. As objection of the respondents is that they have preferred an appeal in R.A.No.28/2023 which is already dismissed on 11/11/2025 by the Hon'ble Court, therefore this court is of opinion that since there is no stay order to said judgment of Hon'ble Apex Court from Hon'ble High Court. This court is of opinion that the petitioner has made out the

grounds to allow the application. Hence, I am of the opinion that, it is just and proper to appoint the Court Commissioner and this Court answered the point raised for consideration in the affirmative and I proceed to pass the following:

ORDER

The application filed by petitioner U/o XXVI Rule 13 of C.P.C. is allowed.

The ADLR, Sindagi is appointed as the Court Commissioner.

Office is hereby directed to issue Commissioner warrant, if P.F is paid and the commissioner fee is fixed at Rs.2,000/- which to be borne by the petitioner.

(Dictated to the stenographer directly on computer, typed by him, corrected, signed by me and then pronounced in the open court on this the 22nd day of April -2026)

(Smt. Pankaja Konnur)
C/c.Addl. Civil Judge, Sindagi.