

ORDER ON I.A.NO.I

The petitioner has filed IA.No. I Under Order XXVI Rule XIII R/w Sec. 54(A) of CPC with prayer to appoint A.D.L.R. Bhadravathi, as court commissioner to effect the partition of the suit schedule properties as per the preliminary decree.

2. In the accompanying affidavit it averred that, preliminary decree has not been challenged and hence, as per preliminary decree the final decree has to be drawn and as such, there is no impediment to execute the decree by appointing ADLR Bhadravathi as court commissioner to measure the property and effect the partition by metes and bounds as per preliminary decree. Hence, prayed for allowing the application.

3. The respondent inspite of service of notice has not appeared before the court.

4. Heard the petitioner and perused the material on record.

5. On perusal of the material it appears that to draw the final decree in tune with preliminary decree, appointment of ADLR, Bhadravathi is necessary for visiting the spot to measure and demarcate the schedule property for effecting the partition by metes and bounds as per preliminary decree. Hence, I proceed to pass the following order;

ORDER

I.A.No.I filed by the petitioner under order XXVI Rule XIII R/w Sec. 54(A) of CPC is hereby allowed.

ADLR, Bhadravathi is hereby appointed to visit the spot, measure the property and demarcate the shares of the parties in the suit property as per preliminary decree and submit the report along with the sketch.

The fee of the Court commissioner is tentatively fixed at Rs. 3,000/-.

Issue commissioner warrant on deposit of commissioner fees and on payment of process fee.

Call on 10.07.2023.

I Addl. C.J & JMFC,
Bhadravathi.