

## ORDERS

The counsel for applicant/petitioner have filed this I.A. Under Order 26 Rules 9 of C.P.C., praying to appoint a court commissioner for the purpose of division of plaint "A" schedule properties in accordance with the preliminary decree in OS No. 776/2018 with the assistance of Taluk surveyor of Kaup Taluk .

In the affidavit annexed to the application, it is stated that, in terms of preliminary decree passed in OS No. 776/2018 dated 21-03-2023, the petitioner is entitled to 1/6th each share in the plaint "A" schedule properties. The commissioner has to be appointed to divide the plaint schedule properties as per the preliminary decree passed in OS No. 776/2018. Hence prayed to allow the application.

Other side remained absent.

Memo has been filed by the petitioners seeking to appoint Sri P Raghavendra Rao, Advocate, Udupi, to execute the commission work, same is hereby considered and Sri P Raghavendra Rao, Advocate is appointed as Court Commissioner to execute the commissioner's work in terms of Judgment and preliminary decree in O.S.No 776/2018 dated 21-03-2023 by considering the good and bad soil and the present occupation for the beneficial enjoyment of the respective parties.

The Commissioner's fee tentatively fixed at Rs.6,000/-. The petitioner shall bear the same. The petitioner is also liable to pay necessary fee if any prescribed as per law.

The parties to this petition are hereby directed to file their memo of instruction in the office within 7 days of this order or else they shall file their memo of instructions before the Court Commissioner. Further the petitioner is directed to deposit the above sum in the office or file a memo for having paid said amount to the Court Commissioner.

The Court Commissioner shall execute the work in accordance with law with the assistance of concerned Taluk Surveyor by dividing the petition schedule properties into nine shares as per preliminary decree.

He is further directed to submit his report within 60 days from the date of issuance of commission warrant.

Issue Commission Warrant and intimation to the concerned Taluk Surveyor to provide necessary assistance to the Court Commissioner after deposit of commissioner fee.

For payment of commissioner fee

Call on : 11-03-2024

**IV A.C.J Judge & JMFC,Udupi (c/c)**