

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU**

Dated this the 23rd day of February 2026

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

O.S.No.3504/2007

PLAINTIFF : Sampath Kumar,
Since dead by his LR's.

V/s

DEFENDANTS : N.Govinda Reddy & another.

i.	Provision under which the application is filed	Under Section 151 of the Code of the Civil Procedure
ii.	Relief sought for	To permit the defendants to file their statement of objections to the Report of the Court Commissioner.
iii.	The date on which the application is filed	18.11.2025
iv.	Number of the application	I.A.No.XXVII
v.	The date on which the objections are filed by different opponents	18.11.2025
vi.	The date on which the orders were passed on the said application	23.02.2026

ORDERS ON I.A.No.XXVII

The defendants have filed I.A.No.XXVII under Section 151 of the Code of Civil Procedure seeking an order to permit them to file their statement of objections to the Report of the Court Commissioner.

2. In support of the I.A.No.XXVII, the 1st defendant has filed his affidavit.

3. The learned Counsel for the plaintiff has filed objections to I.A.No.XXVII praying to dismiss I.A.No.XXVII.

4. Heard the arguments of the learned Counsels for the plaintiff and the defendants on I.A.No.XXVII. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

Whether the defendants have shown sufficient reasons to permit them to file the statement of objections to I.A.No.XXVII ? If so, what order ?

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

REASONS

7. The plaintiff this suit and O.S.No.3505/2007 against the defendants for declaration of his title on two sites situated adjacent to each other, its recovery of possession and consequential reliefs of permanent injunction. On the application filed by the plaintiff, the Court Commissioner was appointed for conducting survey. He filed the Report. Thereafter, the case was posted for objections to the Commissioner Report. Only the plaintiff has filed the objections to the Commissioner Report. The defendants have not filed objections to the Commissioner Report. Since the plaintiff has filed objections to the Commissioner Report, the evidence of the Commissioner Report was recorded. The stage of the case is for arguments on merits of the suits.

8. In the affidavit filed by the 1st defendant in support of the present application, he has assigned the reason that his wife, the 2nd defendant fell-ill due to dengue fever and she

was hospitalized during the 3rd week of Mach 2024. She took treatment for more than 2 months and thereafter, she was advised for complete bed rest. In the mean while, the marriage of his son was fixed and therefore, he could not contact his advocate to file objections to the Commissioner Report.

9. To substantiate the above reasons, the defendants have produced the Medical Certificates, Medical Bills and the Marriage invitation Card. It appears from the contents of the said documents that for the above reasons, the defendants could not file objections to the Commissioner Report. In the statement of objections filed by the learned Counsel for the plaintiff, except the denial of the reason assigned in the affidavit and the contention of delay in filing the statement of objections, no other grounds are urged.

10. On perusal of the reason assigned by the 1st defendant in the affidavit filed in support of the present application and the documents filed to substantiate it, it appears that the reasons assigned in the affidavit are satisfactory to permit the

defendants to file the statement of objections to the Commissioner Report. The Commissioner Report is a piece of evidence with regard the issues involved in the suit. The Commissioner has already been examined by the Court and cross-examined by the learned Counsel for the plaintiff. If the defendants are not permitted to challenge the Report of the Court Commissioner, prejudice and injustice will be caused to him. On the other hand, no prejudice and injustice will be caused to the plaintiff as he has already file the objections to the Commissioner Report and cross-examined the Court Commissioner. For the above reasons, the defendants have shown sufficient reasons to permit them to file the statement of objections to I.A.No.XXVII. Hence, I answer the above point in the Affirmative. In the result, I proceed to pass the following :

ORDERS

I.A.No.XXVII filed by the defendants
under Section 151 of the Code of Civil
Procedure is hereby allowed.

The objections filed by the defendants to the Court Commissioner is taken on record.

No order as to cost.

(Dictated to the stenographer, typed by her, printout taken, corrected and then pronounced by me in the open court today on this the 23rd day of February 2026).

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.