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**IN THE COURT OF THE CHIEF JUDGE,
COURT OF SMALL CAUSES AT BENGALURU
(SCCH-1)**

DATED THIS THE 6th DAY OF APRIL, 2026

PRESENT : SRI M.BRUNGESH, B.Com., LL.B.,
Chief Judge, Court of Small
Causes, Bengaluru.

H.R.C.No.30/2020

Petitioner: Sri. Vyshak G. Sappe,
S/o. Sri. S.P. Gavi Rangappa,
Aged about 19 years,
R/at No.325/19, 24th cross,
Jayanagar 6th Block,
Bangalore - 560 070

(By Sri.C. Pattabi Raman., Advocate)

-Vs-

Respondents: Smt. T.S.Sashikala,
W/o. Sri.T.V. Bhaskar,
Aged about 53 years,
No.83, Ground Floor,
G.P.S. Complex, Jumma Masjid
Road, Bangalore - 560 002

(By Sri.K. Suresh, Advocate)

ORDER ON I.A.No.XIV FILED UNDER ORDER XXVI
RULE IX R/W. 151 OF CPC

Provision under which I.A.No.XIV is filed	Application under Sec.26 Rule IX R/w. Sec. 151 of CPC
Relief sought for	Requesting this Court to issue a commission to an advocate commissioner.
The date on which application at IA No.XIV is filed by the respondent	18.02.2026
Number of the application	IA. No.XIV
The Date on which Objections to the IA.No.XIV filed by the petitioner:	23.02.2026
Date on which Orders were passed on I.A.No.XIV	06.04.2026

ORDERS ON IA NO.XIV

This is an application under Order XXVI Rule No.9 R/w. Section 151 CPC filed by the respondent requesting this court to issue a commission for the purpose of measuring the shop premises bearing No.83 in the ground floor facing Murugesh Mudaliyar Lane, Bengaluru to ascertain how many floors are in property No.83 and so also to measure the properties bearing No.83, 84, 85 and 28 of Murugesh Mudaliyar Lane, Bengaluru.

2. This application is supported by an affidavit of the power of attorney holder of the respondent.

3. In the said affidavit, the applicant has affirmed that he is conversant with the facts of the case.

4. The gist of the affidavit is as follows;

One Gavirangappa, who is none other than the father of the present petitioner, falsely claiming that he is the owner and has got right to lease the petition schedule premises to the respondent; and the said Gavirangappa was not the owner of the petition schedule premises. Besides, the applicant, in the affidavit, at para No.4, also contends that the petitioner did not mention the location and measurement of the property bearing No.83, Murugesh Mudaliyar Lane, Bengaluru; therefore, the appointment of Court Commissioner is necessary for the purpose as requested in this application. By contending so, the respondent prayed to allow this application.

5. This application is seriously opposed by the petitioner.

6. Heard the arguments.

7. In view of the rival contentions raised by the parties, the points that arise for my consideration are as follows;

- 1) Whether this application deserves to be allowed or not?
- 2) What order?

8. My answer to above points are as follows:

Point No.1: In the Negative;

Point No.2: As per final order, for the following:

REASONS

9. **Point No.1:** It must be noted that in the affidavit annexed to this IA No. XIV, the respondent contends that the father of the petitioner is not the owner of the petition schedule premises, and the petitioner and his father are falsely claiming that they are the owners of the petition schedule premises. In my humble opinion, to prove that whether or not the father of the petitioner and the petitioner are the owners, the respondent has to produce the certified copy of the sale deed, if really such sale deed has been executed by either petitioner or father of the petitioner in favour of some other person. Besides, to decide the ownership of the property, the court commissioner cannot be appointed, on the other hand, the parties to the lis are expected to produce cogent documents of title. Therefore on this ground, the application of filed by the respondent has to be dismissed.

10. However, the respondent contends that the appointment of court commissioner is required to measure the properties bearing No. 83 to 85 of Murugesh Mudaliyar Lane, Bengaluru. It must be noted that a perusal of the petition makes it very clear that the petitioner specifically contends that the shop premises bearing No. 83, in the ground floor facing Murugesh Mudaliyar Lane, Bengaluru, with carpet area of about 3 ft X 6 ft. totally measuring 18 square feet which is a part of Property bearing No.83 to 85. Thus, according to petitioner, the measurement of the petition schedule

premises is only 18 square feet or 6 ft. X 3 ft. It must be noted that at **para No.12** of the written statement, **the respondent** specifically contends that the scheduled property measures only 3 ft. X 6 ft. hence, the prayer of the petitioner in asking the damages at the rate of Rs.200/- per day is exorbitant. Thus, it becomes clear that at para No.12 of the objection statement the respondent has admitted the measurement of the petition schedule premises. When such is the factual scenario, the question of measuring the petition schedule premises becomes redundant. Therefore, even on this ground also the request made by the respondent cannot be accepted. With this, I answer point No.1 in the negative.

11. **Point No.2:** In view of my findings to the above point, I pass the following:

ORDER

I.A.No.XIV filed by the respondent
under order XXVI Rule 9 R/w. Sec.151 of
CPC is dismissed.

(Dictated to the Stenographer, transcribed by her, corrected, signed and then pronounced by me in the Open Court on this the 6th day of April, 2026)

(M.BRUNGESH)
Chief Judge,
Court of Small Causes,
Bengaluru.