

ORDER ON COURT COMMISSIONER REPORT

The court commissioner has filed report as per the order of this court dated 15.10.2024.

2. The learned counsel for defendant No.1 to 4 has filed objections to the aforesaid commissioner report.

3. Heard on both sides.

4. It is the objections of the learned counsel for defendants that the court commissioner has not consider their points filed in the memo of instructions and one among them is court commissioner has not measured the extent of backyard of the houses of plaintiff and defendants from the wall of the house of the plaintiff hence, prays to reject the court commissioner report and seeking directions to the court commissioner to file additional or modify the report.

5. On perusal of the court commissioner report and objections statements it appears that the court commissioner has considered the memo of instructions furnished by both the parties and the issue involved in the present suit is only with respect to the space in between the house properties of plaintiff and defendants. The plaintiff has sought for

relief of declaration over the the half share in the common wall situated between houses of plaintiff and defendants when such being the case, the question of measuring the backyard of the houses of the parties by the court commissioner does not arise.

6. However, the court commissioner report is in detail which will be considered at the time of passing the judgment and this court does not wish to give any findings upon the court commissioner report.

7. At this juncture this court is only concerned with the objections raised in respect of integrity and bias in court commissioner report fortunately there is no such objections raised by the other side. When such being the case, the report of the court commissioner will be considered at the time of passing the judgment.

Statutory period for filing written statement of defendant No.11 is expired. Hence, written statement of defendant No.11A taken as not filed.

Issues framed.

For plaintiff evidence.

Call on 18.08.2026.

05.08.2026
**Civil Judge & JMFC.,
Kittur**