

IN THE COURT OF PRIL CIVIL JUDGE AND JMFC MUDHOL

OS 239/2025.

DD 16-02-2026

ORDER ON IA.No.III

The defendant has filed I.A.No.3 U/o 26 Rule 9 R/W Sec 151 of CPC for appointment of Taluka Surveyor, Mudhol as court commissioner to visit the properties of plaintiff and defendant and to report the existence of any road therein.

The learned counsel for the plaintiff submitted no objection to allow the present application.

Heard and perused.

The plaintiff has filed present suit for declaration claiming right of easement by necessary over the suit XY road and consequential relief of permanent injunction. The defendant has denied the existence of suit XY road. Therefore in view of submission of learned counsel for the plaintiff, present application needs to be allowed to meet the ends of justice and equity. Hence I proceed to pass the following.

:: ORDER::

The I.A.No.3 filed by the defendant U/o 26 Rule 9 R/W Sec 151 of CPC is hereby allowed. The Taluka Surveyor, Mudhol is hereby appointed as Court Commissioner for inspection of properties of plaintiff and defendant and to submit report with respect to the existence of any road therein.

The court commissioner fee is fixed at Rs.3000/-.

For deposit of court commissioner fee and memo of instruction. Call on 17-02-2026.

**SD/-
PRI CIVIL JUDGE & JMFC.,
MUDHOL**