ORDERS ON COMMISSIONER REPORT

This is the suit for injunction and recovery of possession. On vide order dated 14.03.2025 this Court has issued warrant against ADLR Mudigere Taluk by directing to file a fresh commissioner report after demarcating the properties in Sy.No.65/2, 65/3, 64/3, 58/9 and also to demarcate the property in Sy.No.58/2 and 58/11 and also to identify the road or pathway if any to reach the suit schedule property in OS No.12/2013 and also to report the obstruction towards the possession over the suit schedule property, along with the commissioner warrant, plaint copy and instructions issued by both the parties were also attached.

2. In complying the said order, ADLR Mudigere submitted their report on 24.06.2025. After receiving commissioner report, the learned counsel for defendant No.4 submits no objection to said report, learned counsel for plaintiff and defendant No.2 filed their objection by stating that commissioner has not filed the report in accordance with law. Hence requested to reject the commissioner report.

3. On perusal of report, it depicts that, commissioner has considered the instruction submitted by both the parties, issued notice to both the parties before commencement of survey and the direction issued by this Court. In so far as the objection raised by the plaintiff and defendant No.2 is concerned i.e., that the commissioner has not filed the commissioner report in accordance with law, but it is the stage where to decide whether the commissioner has followed the instruction issued by this Court. On perusal of the material placed on record, it clearly disclose that the commissioner has followed the instruction issued by both the parties and also considered all the document before finalizing the report. Hence no grounds made out to reject the commissioner report. Therefore this Court proceed to pass the following:

O R D E R

Commissioner report is hereby accepted.

For arguments on merits.
Call on : 25.02.2026.

Sd/-
I Addl. Civil Judge & JMFC.,
Mudigere.