

FDP 11/2014

Petitioner and
respondent No.8 and 9
counsel present.

As per the previous order sheet, as it was noticed by this court that respondent No. 8 and 9 have seriously objected to the commissioner report dated: 17.11.2015 and as there are two statements of objections filed dated: 17.06.2016 and 30.09.2024, seriously objecting the report submitted, this court had posted the matter for enquiry on the commissioner report.

Today the learned counsel for respondent No.8 and 9 submitted that there is no necessity for any enquiry and that already there are objections filed to the commissioner report and that there is no necessity for calling the court commissioner. That the court commissioner report is filed a very long time back and therefore, he need not be called. When the learned counsel was called upon to pass a memo to the said effect that there is no necessity to examine the court commissioner, same was refused.

I have gone through the objections filed to the court

commissioner report by the respondent No.8 and 9 wherein the said respondents seriously dispute the extent of the suit schedule properties and also the manner in which the scheme of partition is prepared.

Therefore, when the contesting respondents seriously dispute the correctness of the commissioner report, if the court commissioner is not summoned and if no opportunity is given for cross-examining him, it will be a procedural lapse. Therefore, in my opinion it is necessary to summon the court commissioner looking into the nature of objections filed.

Hence, issue notice to court commissioner/taluka surveyor who has submitted the report dated: 17.11.2015.

For enquiry by:
24.02.2025

(Smt. Padmashri A.Munnoli)
Senior Civil Judge, Harihar
sitting at Honnali