

Present: SRI. ANAND S.KARIYAMMANAVAR
B.A. L.L.B(Hon's)
 IV Addl. Senior Civil Judge
 & J.M.F.C., Dharwad.

Dated : 6th day of December 2025

V/s.

PARTIES TO IA NO.VII

V/s.

ORDER ON IA NO.VII

2. In support of this application, the plaintiff has filed memo of facts, wherein it is stated that the he had sustained grievous injuries in road traffic accident and he has taken treatment

with Dr.H.R.Katti, Orthopedic Surgeon, Katti Hospital, Bagalkot. Further it is stated that doctor is always busy in consulting with patients, therefore he unable to appear before Court and to depose evidence, hence present application is filed.

3. On the contrary respondent No.2 filed objection to this application by contending that the petitioner has not produced any disability certificate issued by the above said doctor and without producing disability certificate, the application seeking appointment of court commissioner to record evidence of doctor is not maintainable, hence prayed to reject the application.

4. I have heard the arguments of both side and perused the material on record.

5. Now the following points would arise for my consideration:

1. whether the defendant No.13 has made out grounds to appoint Court commissioner as sought under the application ?

2.What order ?

6. My answer to the above -points are as under:-

Point No.1: In the Affirmative.

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

REASONS

7. **Point No.1:** The petitioner has filed this petition seeking compensation on account of injuries sustained by him in the road traffic accident. The present application is filed for appointment of court commissioner to record evidence of doctor. But respondent No.2 contended that without producing disability certificate application for appointment of court commissioner to record evidence is not maintainable. On perusal of material on record, for proper adjudication of the case, appointment of court commissioner to record evidence is necessary and during the course of evidence, disability certificate can be marked. Hence for the above stated reasons, I have answered point No.1 “**in the Affirmative**”.

9. **Point No.2:** For the reasons stated while discussing point No.1, I proceed to pass the following:-

ORDER

The IA No.VII filed by the plaintiff under Order 26 rule 4 of CPC is hereby allowed.

Sri.Anwar Nadaf, Advocate of Bar Association, Dharwad is appointed as Court Commissioner to record the evidence of doctor and submit report.

The court commissioner fee is fixed at Rs.3,000/-.

If commissioner fee is either deposited in Court or paid to the commissioner concerned and if PF paid issue commission warrant to the commissioner concerned to execute and report, by 03-01-2026.

(Dictated to stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court on 6th day of December 2025)

(Anand S Kariyammanvar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For Order
06-12-2025

(Order pronounced in the open Court Vide separate Order)

ORDER

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(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

