

**08.01.2026**

*For Orders*

**ORDERS ON Commissioner Report**

*The Decree Holder has filed the present execution petition seeking execution of the decree for the purpose of identification and marking of boundaries of the decree schedule property, this Court after passing of the decree appointed a Court Commissioner.*

*Pursuant to there to, the Court Commissioner has conducted local inspection and filed his report along with the sketch. The learned counsel for the decree holder submitted that there is no objections to the commissioners report. However, the judgment debtor No.1 to 4 have filed details objections disputing the correctness of the report, contending interalia that the*

*commissioner has not identified the property strictly in accordance with the decree schedule and as per the revenue records.*

*In view of the objections raised, this Court is required to ascertain whether the commissioners report is in conformity with the decree. As per Order 26 Rule 10(2) of CPC the Court is empower to examine the commissioner personally touching the matter refer to him in the report. Such examination is necessary to clarify the objections raised and to enable this Court to effectively adjudicate the issues arising under Execution, without traveling behind the decree. The mere fact that the decree holder has no objection to the report does not dispence with the duty of the Court to consider the objections of the judgment debtors.*

*Therefore, in the interest of justice and for proper execution of the decree it is just and necessary to examine the Court Commissioner. Hence, I proceed to pass the following:*

**ORDER**

*The Court Commissioner is directed to remain present before*

*this Court for examination under Order 26 Rule 10(2) of CPC.*

*Parties are permitted to put relevant questions to the Commissioner with the leave of the Court, limited to the scope of the decree and the commissioner report only.*

*Office is hereby directed to issue witness summons to the Court Commissioner as per order passed by this Court if the JDRs who have filed the objections to the report submitted by the Court Commissioner is to pay the P.F.*

*Call on 21.01.2026.*

*sd/-*

*I Addl. Senior Civil Judge and JMFC.,  
Hubballi.*