

## **ORDER ON COMMISSIONER REPORT**

The plaintiff has filed this suit for the relief of permanent injunction against the defendant in-respect of suit schedule property.

2. The court commissioner was appointed by this court and he has submitted his report on 06.02.2021. The plaintiff has not filed objections to the commissioner report. The defendant filed his objections contending that, as per the memo of instructions filed by the defendant to identify the Sy. No. 289/1, 289/2 but commissioner has not identified the Sy. No. 289/1 and the measurement as per the sale deed. Hence, prays to reject the commissioner report.

3. Summons was issued to court commissioner for cross examination but it is returned as court commissioner was dead.

4. Heard both side arguments on commissioner report.

5. This court has perused commissioner report filed by the commissioner and other materials placed before this court.

6. This is the suit filed by the plaintiff for the relief of bare injunction. The defendant has filed application for the appointment of court commissioner to inspect and measure the suit survey landed property. Hence the court has appointed the court commissioner for the purpose of identify the suit schedule property. As per the commissioner report the suit schedule property was identified. Further the there is no order form the court to identify the defendant property. When such being the case, if the court commissioner was also alive and called for cross examination no purpose would be served. Moreover, the report of the Commissioner is not conclusive proof of what is stated therein. The report is only a piece of evidence, that the Court has to examine based on the other materials on record. Hence, the commissioner report deserves to be accepted. Accordingly, this court proceeds to pass the following:

**ORDER**

The commissioner report dated 06.02.2021 is hereby accepted.

I Addl. Civil Judge & JMFC.,  
Nanjangudu.

Since the commissioner report is accepted I.A 18 and I.A 19 which is filed for the appointment of court commissioner is not maintainable. Accordingly I.A No. 18 and I.A No. 19 are hereby rejected.

For arguments call on:

04.12.2025

I Addl. Civil Judge & JMFC.,  
Nanjangudu.