

ORDER ON COMMISSIONER REPORT

The plaintiff No.1(c) has filed the IA.No.20 under order 26 Rule 9 seeking for appointment of PDO as Court Commissioner. The said application was allowed and this Court appointed PDO of Somanathapura Gramapanchayath as Court Commissioner for spot inspection of suit schedule property. Thereafter, the Commissioner submitted the report. The counsel for the defendants filed objection to the said report.

The counsel for plaintiff submits no objection to the commissioner report.

On perusal of the case file and the court commissioner report it is found that, the court commissioner executed the warrant as per the procedure. He issued notice to the parties to the suit and the said notice was served on the parties. Both parties and their advocates were present at the time of execution of Commission work and the plaintiff No.5 and defendant No.1(b) were present.

The court commissioner executed the commission work as per the memo of instructions filed by both parties. The plaintiff No.5 and defendant No.1(b) signed the Mahazar. In the objections filed by the counsel for defendants that, the court commissioner not followed the memo of instructions filed by the defendants. But as per the report submitted by the court commissioner, he conducted the commission work but not answered the memo of instructions filed by both parties separately. There is no dispute that the notice was not issued by court commissioner to the parties before conducting commission work.

The court commissioner has followed the procedure while conducting the execution work. However the commissioner not answered the memo of instructions filed by parties. Hence, it is necessary to summon the commissioner to give evidence on his report. Hence, I proceed to pass the following:

Issue notice to the PDO, Somanathapura Gramapanchayath, T.Narasipura Taluk, to give evidence on commissioner report.

Call on 09/06/2026.

**I Addl. Civil Judge & J.M.F.C.,
T.Narasipura.**