

13.01.2026

Plt: S.L.

D1 to 4: M.R.V.

For orders

**Orders on Application under Order XXVI Rule 9 read with
Section 151 of CPC**

This application is filed on behalf of the Plaintiff No.4 Sri. Ravi seeking to appoint Taluk Surveyor as court commissioner to identify the suit property and to report the same to the court.

2. In the affidavit sworn in support of the present application, Plaintiff No.4 Sri. Ravi states that this suit is filed for declaration of title and permanent injunction with respect to property bearing Sy.No.170 measuring 2 acres 34 guntas out of which 28 guntas, situated at Bilagumba Village. It is further states that, the said property had been granted by the Government in favour of 1st Plaintiff husband Chikkeeraiah father of Plaintiffs No.2 to 5. In the affidavit, Plaintiff No.4 has reiterated the all the plaint averments, which is not necessary to repeat the same here. As per the gist of the affidavit filed accompanying this application, the surveyor has visited the spot and reported before land tribunal that 34 guntas of suit property is in possession of the Plaintiff, but the said report is not available before concerned authority. But, the Defendants never in possession of the suit property. So, in order to prove the possession of the Plaintiffs over the suit property, report of the surveyor is very much necessary. Hence, surveyor is to be appointed for spot inspection and to know as to who is in possession of the

suit property. Hence, he prays to allow this application.

3. On the other hand the Defendants have not filed written statement.

4. Heard the counsel for the Plaintiffs and perused the materials on record.

5. The following points arise for my consideration:-

(1) Whether the appointment of commissioner, in view of the facts and circumstances of the present case is necessary?

(2) What order?

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

Point No.1 : In the Affirmative;

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

REASONS

7. Point No.1:- Admittedly present suit is filed by the Plaintiffs as against the Defendants for the relief of declaration of title and permanent injunction with respect to suit schedule property bearing Sy.No.170 measuring 2 acres 34 guntas, out of which 28 guntas, situated at Bilagumba Village, Ramanagara Taluk Bengaluru South District. It is to be noted that Plaintiff No.4 has already adduced his evidence as PW.1 and Ex.P1 to 46 are marked. I have perused these Ex.P1 to 46. In the case on hand the identity of the suit property has to be established by the Plaintiffs. Ex.P1 to 46

documents are not sufficient to prove the identify of the suit property. Under such circumstances, suit property has to be identified by the competent person, who is the surveyor attached to office of ADLR, Ramanagara. Therefore, it is necessary to appoint the ADLR, Ramanagara as the Court Commissioner to identify the property in possession of the Plaintiffs and to prepare sketch and mahazar. Hence, I answer point No.1 in the Affirmative.

8. Point No.2:- For the reasons discussed above, I proceed to pass the following:

ORDER

The application filed by the Plaintiff No.4 under Order XXVI Rule 9 read with Section 151 of CPC is hereby allowed.

The ADLR, Ramanagara is appointed as Court Commissioner. Commissioner fee of Rs.2000/- is tentatively fixed.

Call on to deposit the commission fee and to file memo of instruction by Plaintiff.

R/by:21.01.2026.

**PRL. SENIOR CIVIL JUDGE & C.J.M.,
RAMANAGARA.**