

Case called out.

Order on Commissioner Report

In this case, this Court has appointed the court commissioner to visit the suit property and to file his report. Accordingly, after appointment of the Court Commissioner, he has visited the suit property and filed his report. The materials on record shows that the Court commissioner has visited suit locality on 07/11/2020 and filed his report on 03/03/2021 before this Court.

2. The plaintiff and defendants have filed their objections to the Commissioner report.

3. The plaintiff in his objection contended that the commissioner has wrongly shown the boundaries shown as ABCDEFG. Further it is objected that the commissioner has wrongly mentioned the encroachment and wrongly prepared the sketch. Further, he contended several other objections. On the other hand, the defendant in his objection and has contended that the Court commissioner has not executed the works mentioned in the work memo. Further he contended several other objections.

4. On perusal of the objections along with the report of Court commissioner, it appears that the report of the Court Commissioner is not proper and correct. The Commissioner ought to have clarified all the doubts that are raised in the objections. Hence, after considering the facts and circumstances of the case, I pass the following order.

ORDER

The Commissioner warrant is hereby referred back. The Court Commissioner is directed to file his further report taking into consideration of the objection of the parties. The Office is directed to furnish copy of the objections filed by the plaintiff and defendant to the Court commissioner.

Call on 02/09/2022.