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**IN THE COURT OF THE 74<sup>th</sup> ADDL. CITY CIVIL AND  
SESSIONS JUDGE, MAYOHALL UNIT, BENGALURU.  
(CCH-75)**

*Dated: This the 4<sup>th</sup> day of April, 2026.*

**PRESENT:**

**Sri.PRAKASH CHANNAPPA KURABETT, B.Sc., LL.B.,(Spl.),**  
C/C IV Addl. City Civil and Sessions Judge, Bengaluru.  
(CCH-21)

**Ex. No.25300/2024**

|                       |                               |
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| <b>Decree Holder:</b> | Sri.Ramdas Shankar Molahalli. |
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***(Rep.by Sri.PTN, Advocate)***

**V/S**

|                         |                                                      |
|-------------------------|------------------------------------------------------|
| <b>Judgment Debtor:</b> | The Vyalikaval House Building<br>Co-op. Society Ltd. |
|-------------------------|------------------------------------------------------|

***(JDR-Absent)***

**PARITES IN IA:**

|                   |                                     |
|-------------------|-------------------------------------|
| <b>Applicant:</b> | Sri.Ramdas Shankar Molahalli - DHR. |
|-------------------|-------------------------------------|

**V/S**

|                  |                                                          |
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| <b>Opponent:</b> | The Vyalikaval House Building Co-op. Society Ltd. - JDR. |
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**ORDERS ON IA FILED U/O XXVI RULE 10A OF  
CPC**

*This is an application filed u/O XXVI Rule 10A of CPC seeking appointment of Court Commissioner for local investigation.*

**2.** *In the affidavit annexed to the application applicant/DHR has sworn to the facts that the court was passed an order of attachment of the petition schedule property as immovable of the JDR dated 25.2.2026 over the guidance value as memo of calculation. On 4.3.2026 the concerned bailiff of the court had inspected the schedule property and completed the attachment procedure by tom-tom, in presence of DHR/Panchadhars, the mahazar report*

drawn and produced by the bailiff consist, that the assistance of Surveyor or ADLR, the suggested Court Commissioner is required to complete the process of attachment warrant. Accordingly, the applicant/DHR has prayed for appointment of a Commissioner.

3. JDR has not objected for the application.

4. Heard and perused the materials placed on record.

5. The point that would arise for my consideration is:

**“Whether the appointment of Commissioner is necessary to adjudicate the matter effectively between the parties?”**

6. My answer is **in the Affirmative**, for the following:-

### **REASONS**

7. This is a petition filed by DHR against the JDR seeking for attachment and sale of movables of JDR to be shown by DHR or his agent and for arrest of JDR and

*detention in the Civil Prison and also for attachment and sale of schedule property.*

**8.** *In the affidavit annexed to the application applicant/DHR has sworn to the facts that the court was passed an order of attachment of the petition schedule property as immovable of the JDR dated 25.2.2026 over the guidance value as memo of calculation. On 4.3.2026 the concerned bailiff of the court had inspected the schedule property and completed the attachment procedure by tom-tom, in presence of DHR/Panchadhars, the mahazar report drawn and produced by the bailiff consist, that the assistance of Surveyor or ADLR, the suggested Court Commissioner is required to complete the process of attachment warrant.*

**9.** *JDR has not objected for the application.*

**10.** *The records shows that the JDR not appeared before the court and he has been remained absent. Hence, the appointment of Court Commissioner for local investigation in the schedule property and to give report is*

*necessary. In the facts and circumstances of the present case in hand, the appointment of Court Commissioner is very much necessary to adjudicate the matter effectively between the parties. Hence by considering no prejudice will be caused if a Commissioner as prayed by the DHR is appointed and even otherwise in order adjudicate the matter effectively between the parties, it is necessary to appoint a Commissioner. Hence, to meet the ends of justice, I hold point for consideration **in Affirmative** and proceed to pass the following:-*

**ORDER**

**IA filed by the DHR u/O XXVI**

**Rule 10A of CPC is allowed.**

**No order as to costs.**

*(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the open court on this the 4<sup>th</sup> day of April, 2026].*

**[PRAKASH CHANNAPPA KURABETT]**  
C/C IV Addl. City Civil & Sessions Judge,  
Mayohall, Bengaluru.











