
Shri Sarjeevan Lall

$$V_S$$

Shri A. Palswamy

Mr. Arul Prasanth ... for the petitioner

July 09, 2026
[AKB]
Item No.20

This revisional application assails an order dated February 02, 2026 passed by the learned Civil Judge (Junior Division)-I, Port Blair in Other Suit No. 21, 2024 whereby the commissioner's report filed under Order 39 Rule 7 of the Code of Civil Procedure, 1908 has been accepted by the said learned Court.

Mr. Arul Prasanth, learned advocate appearing for the petitioner submits that learned Trial Court has routinely accepted the report filed by the commissioner without bestowing any attention to the written objection filed by the petitioner to such report.

It is further submitted that the learned Trial Court has not permitted the petitioner to cross examine the commissioner prior to accepting such report.

Having heard Mr. Arul Prasanth, learned advocate appearing for the petitioner and having considered the material on record, this Court is of the *prima facie* view that the learned Trial Court was not justified in accepting the Commissioner's report without advertng to the petitioner's written objection

thereto such report. A perusal of the order impugned, *prima facie*, reveals that the learned Trial Court has not applied its mind to the written objection to the report that has been filed by the petitioner.

In such view of the matter, the operation of the order impugned dated February 02, 2026 accepting the commissioner's report, shall remain stayed for a period of six weeks from date or until further orders whichever is earlier.

The petitioner shall serve a copy of the revisional application along with notice intimating the opposite party that the matter will be listed before the next available Circuit Bench beginning July 27, 2026.

The petitioner shall file affidavit-of-service to that effect on or before the returnable date.

(Om Narayan Rai, J.)