



CNR: KAHC010538192026

NC: 2026:KHC:41850
WP No. 24530 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 24530 OF 2026 (GM-CPC)

BETWEEN:

SMT. LAKSHMIDEVI
W/O SRI. ADI NARAYAYANA SWAMY N,
AGED ABOUT 66 YEARS
RESIDING AT NO.26,
11TH MAIN ROAD, 3RD CROSS ROAD,
MATTIKERE,
BENGALURU - 560 054
KARNATAKA

...PETITIONER

(BY SMT. DR. LAVANYA RAMESH, ADVOCATE FOR
SRI. V.K. RAMESHA, ADVOCATE)

AND:

SRI. SRINIVAS K
S/O SRI. KRISHNAPPA
AGED ABOUT 40 YEARS
RESIDING AT NO.328,
7TH CROSS ROAD,
NEAR WATER TANK, 4TH BLOCK,
JAYACHAMARAJ NAGAR,
BANGALURU - 560 091
KARNATAKA

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO (I) SET ASIDE THE
ORDER PASSED BY THE II ADDL. CIVIL JUDGE AT BENGALURU
IN OS NO. 862/2020 DATED 08.6.2026 VIDE ANNEX-A. (II) TO
CALL FOR TRIAL COURT RECORDS ON THE FILE OF THE II

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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ADDL. CITY CIVIL JUDGE AT BENGALURU RURAL IN
O.S.NO.862/2020 ETC.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 08.06.2026 passed on an application filed under Order XXVI Rule 9 read with Section 151 of the CPC in O.S.No.862/2020 by the II Additional Civil Judge at Bengaluru, the petitioner/plaintiff is before this Court.

2. The petitioner, who is the plaintiff, had filed O.S.No.862/2020 seeking permanent injunction. When the matter was coming up for the defendant's evidence, the defendant had filed the application under Order XXVI Rule 9 read with Section 151 of the CPC seeking appointment of a competent Government Surveyor as Court Commissioner to conduct a local investigation and inspection of the suit schedule property and to submit the report before the trial Court. The plaintiff had filed objections, stating that the present application is filed only to harass the plaintiff and amounts to collection of evidence. The defendant is not proceeding with the trial, and



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without placing any document on record, the defendant cannot seek the appointment of a Court Commissioner to collect evidence. The trial Court, by the impugned order, had allowed the application.

3. While allowing the application, the trial Court observed that the plaintiff's contention that the application is filed only to delay the proceedings cannot be accepted at this stage, because the dispute regarding the survey number and the identity of the property goes to the root of the matter. Further, the appointment of a commissioner for the identification and measurement of the property would not amount to the collection of evidence, since the Commissioner is only expected to note the physical features and conduct a survey with reference to the official records. The trial Court was of the considered opinion that the appointment of a qualified Government Surveyor as Court Commissioner is necessary for proper adjudication of the matter and that the same would also avoid multiplicity of proceedings in future. No prejudice would be caused to the plaintiff if a local investigation is conducted in



the presence of both parties. Accordingly, the trial court allowed the application.

4. Learned counsel appearing for the petitioner/plaintiff has argued in tune with the submissions and objections filed before the trial Court and submits that the trial Court cannot appoint a Court Commissioner.

5. Having heard the learned counsel for the petitioner, perused the entire material on record. The petitioner has sought an injunction. No doubt, the plaintiff and the defendant have taken different contentions regarding the identity of the property. The trial Court allowed the application, and a Government Surveyor was appointed as Court Commissioner to conduct a local investigation in respect of the suit schedule property. Once the report is placed before the trial Court, it is for the trial Court to accept or reject the same. The trial Court rightly observed that it does not amount to collection of evidence. The defendant not proceeding with the trial or the defendant taking a different stand cannot be grounds to reject the application.



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6. In the considered opinion of this Court, the trial Court rightly allowed the application, and there are no grounds to interfere with the order passed by the trial Court. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

**Sd/-
(LALITHA KANNEGANTI)
JUDGE**

MEG
List No.: 1 Sl No.: 28