

**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 31ST DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE S.G. PANDIT

R.P. NO. 100105/2019 IN
W.P. NO. 109969/2019 (GM-CPC)

BETWEEN:

SMT. GANGAMMA W/O LATE U. GOVINDAPPA,
AGE: 65 YEARS, OCC: HOUSEHOLD,
R/O 2ND WARD, TORANAGALLU VILLAGE,
SANDUR TALUK, BELLARI DISTRICT.

- PETITIONER

(BY SRI. M.H. PATIL, ADVOCATE)

AND:

1. U. SHANKRAPPA S/O LATE U. THIMMAPPA,
AGE: 32 YEARS, OCC: WORKING IN
JSW STEEL LTD., R/O 2ND WARD,
NOW 3RD WARD, TORANAGALLU VILLAGE,
SANDUR TALUK, BELLARI DISTRICT.
2. MANJUNATH S/O LATE U. GOVINDAPPA,
AGE: 39 YEARS, OCC:
R/O 2ND WARD, TORANAGALLU VILLAGE,
SANDUR TALUK, BELLARI DISTRICT.
3. SMT. UPPARA PARVATHAMMA,
W/O DYAVANNA, AGE: 45 YEARS, OCC: COOLIE,
R/O 2ND WARD, TORANAGALLU VILLAGE,
SANDUR TALUK, BELLARI DISTRICT.

- RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER SECTION 114
R/W ORDER 47 RULE 1 CPC PRAYING TO REVIVE THE ORDER
PASSED BY THIS COURT IN W.P. NO. 109969/2019 DATED
21.06.2019 & ETC.

THIS REVIEW PETITION COMING ON FOR ORDERS THIS DAY,THE COURT MADE THE FOLLOWING:

ORDER

This review petition is filed under Order 47 Rule 1 r/w Sec. 114 CPC praying to review the order dated 21.06.2019 passed in W.P. No. 109969/2019 wherein this Court rejected the writ petition.

2. I have heard learned counsel for the review petitioner and perused the order under review.

3. W.P. No. 109969/2019 was filed challenging the order dated 18.04.2019 on I.A. No. 14 in O.S. No. 108/2014 on the file of the learned Civil Judge & JMFC, Sandur, wherein the learned trial judge had rejected the application filed under Order 26 Rule 9 CPC for appointment of Commissioner to measure the property mentioned in the application item nos.1 and 2. The suit property and property mentioned in the application were different and in that circumstances the trial Court had rightly rejected the application for appointment of

Commissioner. When appointment of Commissioner is sought for inspection of the property other than the property involved in the suit, the trial Court was justified in rejecting the application. I do not find any error apparent on the face of the record to interfere with the order passed in the writ petition. No grounds are made out to review the order. Accordingly, the review petition is dismissed.

**Sd/-
JUDGE**

bvv