

HONOURABLE SRI JUSTICE VILAS V.AFZULPURKAR

CIVIL REVISION PETITION No.5020 OF 2015

DATED 1ST December, 2015

BETWEEN

R.Sreedevi

...Petitioner

And

Chintaginjala Venkata Subbaiah and ors

...Respondents.

HONOURABLE SRI JUSTICE VILAS V.AFZULPURKAR

CIVIL REVISION PETITION No. 5020 OF 2015

ORDER:

Defendant in O.S.No.139 of 2010 on the file of the learned Principal Junior Civil Judge, Srikalahasti filed this Civil Revision Petition aggrieved by the order dated 28.07.2015 rejecting the application in I.A.No.690 of 2014 filed by her under Order 26 Rules 9 and 10 read with Section 151 CPC seeking to scrap the report of the Advocate Commissioner or re-entrust the commission to another Advocate Commissioner.

The Court below in its order under revision observed that the report of the Advocate Commissioner cannot be scrapped merely on the application filed by the petitioner/defendant. It is also seen that both sides filed their objections to the report of the Advocate Commissioner and the Commissioner was examined as P.W.3 and cross examined by the petitioner/defendant and that the objections filed by the petitioner/defendant. The Court below observed that the entire report and evidence in regard thereto would be taken into consideration at the time of final disposal of the suit. The petitioner/Defendant is thus not entitled to seek either to scrap the report of the Advocate Commissioner or entrust the commission to another Advocate Commissioner. The Court below rightly rejected the application of the petitioner/defendant. I do not see any reason to interfere with the order under revision.

The Civil Revision Petition is dismissed at the admission stage. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE VILAS V.AFZULPURKAR

DATED 1st December, 2015.

Msnr_x