

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 1842 of 2015

ORDER:

Heard learned counsel for the petitioners.

2. This Civil Revision Petition is filed against the order in I.A.No.28 of 2014 in I.A.No.331 of 2013 in O.S.No.78 of 2013 dated 15.04.2015 passed by the learned Junior Civil Judge, Kodangal. The petitioners are defendants in the suit. The suit was filed by the respondent for declaration of title and possession over the land bearing survey No.296/అ wet admeasuring Ac.0.09 guntas, survey No.296/అ2 wet admeasuring Ac.0.09 guntas, survey No.296/అ wet admeasuring Ac.0.19 guntas, and survey No.296/ఇ wet admeasuring Ac.0.19 guntas situated in Mirjapur village, Kosgil Mandal, Mahabubnagar District. In the said suit, the respondent filed I.A.No.331 of 2013 for temporary injunction and the said application is pending. The defendants in the suit, who are the petitioners herein, filed I.A.No.28 of 2014 for appointment of an Advocate Commissioner for local investigation and to note down the physical features of the suit land for proper adjudication of the matter in the suit. The said application was dismissed by the learned Judge on the ground that the parties are in dispute as to the title of the suit land and its possession. The learned Judge observed that there is no dispute as to the boundaries of the suit land. The learned Judge also observed that when the parties are having documentary evidence to establish the physical features of the suit land, an Advocate Commissioner cannot be appointed. When I have asked the learned counsel for the petitioners to show any averment in the written statement contradicting the finding recorded by the lower Court, the learned counsel could not show any averment. In the absence of any dispute with regard to the physical features of the suit land, the learned trial Judge had rightly dismissed the application and I see no error of jurisdiction in the impugned order.

3. The Civil Revision Petition is accordingly dismissed at the admission stage. Miscellaneous petitions, if any, pending in the revision shall stand closed. There

shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

5th June, 2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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