

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3746 of 2015

ORDER:

The plaintiff in O.S. No.362/2014 on the file of the Court of the learned II Additional Junior Civil Judge, Rangareddy District at L.B.Nagar is the petitioner herein. He filed I.A.No.576/2015 for appointment of Advocate Commissioner. The said application was dismissed by order dated 03.08.2015. Challenging the same, the present Civil Revision Petition was filed.

The petitioner filed the said suit seeking perpetual injunction in respect of Plot No.36, 37 and 38 (Part) admeasuring 500 square yards in Survey No.28/AA situated at Parvathapur Village and Gram Panchayat, Ghatkesar Mandal, Rangareddy District. The respondent-defendant is claiming Plot Nos.38/A, 37/A and 37 in Survey Nos.26 and 27 admeasuring 300 square yards situated at Parvathapur Village. The application in I.A.No.576/2015 was filed on the ground that the appointment of Advocate Commissioner would settle the dispute as he would demarcate the area with the assistance of the Assistant Director, Survey and Land records, Rangareddy District with the help of tippan and village map.

A counter affidavit was filed by the respondent stating that the M.R.O. had already surveyed the land in Survey No.28/AA and the petitioner has nothing to do with the land in Survey Nos.26, 27 and 28, which is covered with plots. It was also stated that the vendor of plaintiff is not having any kind of title over the land in Survey Nos.26, 27 and 28. After dividing the land in Survey Nos.26, 27 and 28 by way of plots, the M.R.O, Ghatkesar, ordered that Survey No.28/AA in an extent of Ac.0.20 guntas, which is an open land.

The trial Court held that there is no boundary dispute and since the proceedings of the Tahsildar, Ghatkesar Mandal, in

No.B/392/2013, shows that he had already demarcated the property and issued succession certificate, the facts do not warrant appointment of Advocate Commissioner.

In the facts and circumstances of the case, I am in agreement with the order of the lower Court in I.A. No.576/2015 dated 03.08.2015.

Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

10.12.2015

MVA