

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.3668 of 2015

ORDER:

This civil revision petition is filed by the petitioner—defendant under Article 227 of the Constitution of India challenging the order dated 13.7.2015 in I.A. No.118 of 2015 in O.S. No.233 of 2012 on the file of Senior Civil Judge Court, Adilabad.

2. The parties will be referred to as they are arrayed before the trial court to avoid confusion.

3. The facts leading to filing of the present civil revision petition are briefly as follows: The respondent herein filed O.S. No.233 of 2012 on the file of Senior Civil Judge Court, Adilabad against the petitioner herein for declaration and recovery of possession in respect of suit schedule property. When the matter was coming up for arguments, the petitioner herein filed I.A. No.118 of 2015 under Order XXVI Rule 1 of CPC for appointment of Advocate Commissioner to note down the boundaries of the suit schedule property. After affording an opportunity to both the parties, the trial court dismissed I.A. No.118 of 2015 on the sole ground that the petitioner filed I.A. No.118 of 2015 to drag on the matter.

4. At the time of arguments before this court, learned counsel for both the parties, in one voice, submitted that identification of boundaries of suit schedule property is very much essential for proper adjudication of the suit, thereby to put an end to the litigation between the parties. The learned counsel requested this court to allow the petition for appointment of Advocate Commissioner in order to note down the boundaries of the suit schedule property. In view of the submission made by learned

counsel for both the parties, I am of the considered view that it is a fit case to set aside the order passed by the trial court in I.A. No.118 of 2015 in O.S. No.233 of 2012.

5. In the result, the civil revision petition is allowed setting aside the order dated 13.7.2015 in I.A. No.118 of 2015 in O.S. No.233 of 2012 on the file of Senior Civil Judge Court, Adilabad. Consequently, I.A. No.118 of 2015 is allowed. The trial court is hereby directed to appoint Advocate Commissioner with the consent of learned counsel for both the parties to note down the boundaries of the suit schedule property and file report. Miscellaneous petitions if any pending in this civil revision petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 30.10.2015.
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