

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3575 of 2015

Date: 17-12-2015

Between:

Ramachandra Nilkanth Deo

.. Petitioner

AND

S. Chandram

.. Respondent

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3575 of 2015

ORDER:

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The plaintiff in O.S.No.633 of 2015 on the file of XXII Junior Civil Judge's Court, City Civil Court, Hyderabad is the petitioner herein. He filed the above suit against the defendant herein for perpetual injunction from interfering, demolishing the southern side common wall of the plaintiff house bearing No.181, EWS, H.No.17-1-376/ 538, New Santhoshnagar Colony, Santhoshnagar, Hyderabad.

It is stated by the learned counsel for the petitioner that a temporary injunction was granted and it is in force. The defendant in the suit, who is the respondent herein, filed I.A.No.63 of 2015 in O.S.No.633 of 2015 seeking appointment of an Advocate Commissioner to note down the physical features and measurements of the properties of both parties and the said application was allowed by order dated 03-06-2015, challenging which the present Civil Revision Petition is filed.

The main grievance of the petitioner herein is that the Advocate Commissioner cannot be allowed to note down the measurements of both the properties, but he can note down the physical features of the properties of the plaintiff and the defendant. The noting down of physical features of both the properties involved some measurements also. Merely because the Advocate Commissioner mentions the dimensions of the physical features of the property, it does not mean that the suit is settled.

In the circumstances, this Court sees no ground to interfere with the same except observing that the Advocate Commissioner so appointed shall not take the aid of the title deeds and measure the properties, but he shall only note down the physical features of the properties as existing on the ground. He shall submit his report without giving any opinion with regard to the properties held by the both parties.

The Civil Revision Petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 17-12-2015

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