

THE HON'BLE SRI JUSTICE K.C. BHANU

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CIVIL REVISION PETITION No.584 OF 2015

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is directed against the order, dated 25.07.2014, in Interlocutory Application No.192 of 2013 in Original Suit No.98 of 1986 passed by the Additional Senior Civil Judge, Narasaraopet, whereunder and whereby, the application filed under Order XX Rule 18 and Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') to appoint an Advocate-Commissioner to measure the suit schedule properties and to divide the petition "A" schedule properties in item Nos.1, 2, 5 and also part of item No.6 excluding the property under Ex.B.13 into two equal shares by metes and bounds and allot half share each to the petitioner and the 2nd respondent therein, was allowed.

2. Initially, the suit filed by the plaintiff was dismissed on 30.11.1999. Thereupon, the plaintiff preferred an appeal vide A.S.No.1015 of 2000 and this Court allowed the appeal. On an application filed by the 1st respondent herein, the Advocate Commissioner was appointed in pursuance of the decree passed by this Court in A.S.No.1015 of 2000.

3. Learned counsel for the petitioner herein contended that since the impugned order was passed without giving notice to the other respondents, the same is liable to be set aside.

4. In terms of the decree, the division of the property should be between the petitioner and the 1st respondent herein. Therefore, there is no necessity to give notice to other

respondents in the Interlocutory Application. There are no grounds to interfere with the impugned order.

5. Accordingly, the Civil Revision Petition is dismissed. However, the Advocate Commissioner is directed to issue notice before execution of warrant to the parties in the Interlocutory Application. The objections raised in the Civil Revision Petition are left open to be raised before the Advocate Commissioner, but those objections shall be subject to the decree passed by this Court. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE K.C. BHANU

Date:27.02.2015

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