

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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CIVIL REVISION PETITION No.1699 of 2015

Between:

B.Srinivasulu Naidu and others.

....Petitioners

and

N.Radhamma and others.

....Respondents

JUDGMENT PRONOUNCED ON : 17.12.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.1699 of 2015

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ORDER:

The petitioners are defendants in O.S.No.9 of 1997 on the file of the learned V Additional District Judge, Tirupati. The said suit was filed by the first respondent seeking partition of plaint A and B schedule properties and a preliminary decree was passed on 04.07.1997. The same was challenged in A.S.No.1099 of 1997 and this Court dismissed the same on 30.03.2010. I.A.No.779 of 1997 was filed by the plaintiffs for appointment of an Advocate Commissioner for division of the suit property into two equal shares, to allot one such share to the plaintiffs and to deliver separate possession of the same. The Advocate

Commissioner submitted his report on 18.01.1999. The petitioners herein filed objections to the said report and the plaintiffs also filed a memo on 08.07.2013. Considering the same, the trial Court passed an order in accordance with the report of the Advocate Commissioner, by order dated 29.12.2014. Challenging the same, the present Civil Revision Petition is filed.

It is clear from the report of the Advocate Commissioner that the suit schedule property is consisting of ground floor with Madras terrace measuring 21 feet from east to west and 60 feet from north to south. The building is facing towards southern side and the main street is also in the southern side. In order to do justice to both the parties, it was suggested to divide the building into two equal shares as eastern half and western half, leaving 9 feet jointly to both the parties and 60 feet equally from north to south. It was observed that the said arrangement would make the stair case available to both the parties.

In accordance with the suggestion of the Advocate Commissioner, the lower Court disposed of the I.A on 29.12.2014, and after going through the sketch filed in the material papers, this Court feels that no injustice is caused to any of the parties by following the report of the Advocate Commissioner.

In the circumstances, the Civil Revision Petition is dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

17.12.2015

vs