

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.3308 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed against the order dated 29.06.2015 passed in I.A.No.941 of 2015 in I.A.No.1129 of 2013 in O.S.No.421 of 2012 on the file of the XXV Additional Chief Judge, City Civil Court, Hyderabad.

The aforesaid suit is filed by the respondent/plaintiff for declaration of title and recovery of possession. The evidence on the side of respondent is over and when the matter was coming up for evidence on the side of petitioner/defendant, the present I.A is filed by the petitioner seeking appointment of Advocate Commissioner to measure the area of the suit schedule property bearing H.No.14-1-308/1 situated at Seetharampet, Aghapura, Hyderabad and to note down the existing structures and open land, and to fix the boundaries of the property. The trial Court dismissed the I.A vide impugned order dated 29.06.2015, by recording a finding that as the suit is filed for declaration of title, it is for the respondent to prove her title over the property and that no reasons are assigned for appointment of Commissioner. Aggrieved thereby, the present Civil Revision Petition is filed.

Heard learned counsel for the petitioner and perused the findings recorded by the trial Court.

Admittedly, the evidence on the side of respondent/plaintiff is completed and the matter is coming up for evidence of the petitioner/defendant. The suit being filed by the respondent for declaration of title and recovery of possession, burden is on her to establish her case. Further, when the matter is coming up for evidence of the petitioner, there is no reason to appoint the Commissioner, as rightly observed by the trial Court. Hence, the revision is devoid of merits.

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

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

**JUSTICE R. SUBHASH
REDDY**

04.09.2015
v v