

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.4616 of 2014
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ORDER:

Heard the learned counsel for petitioners, and the learned counsel for respondents.

2. The respondents herein, who are the plaintiffs in O.S.No.466/2002, filed a suit for declaration of title and recovery of possession of an extent of Ac.5.10 guntas in survey nos.142 and 143 of Abangapuram village of Tripuraram Mandal, Nalgonda District. In the said suit, the defendants/petitioners filed I.A.No.56/2014 seeking appointment of an Advocate Commissioner to note down the physical features of the land in survey Nos.142, 143 and 144 of Abangapuram Revenue Village. The said application was dismissed by the learned Additional Junior Civil Judge, Miryalaguda on 21.10.2014. Challenging the same, the present Civil Revision Petition is filed.

3. The learned counsel for petitioners submits that the appointment of an Advocate Commissioner is very much necessary in the present suit. The learned counsel for respondents on the other hand submits that earlier a surveyor was appointed to measure the land and he submitted a report, and further submits that the defendants/petitioners have not filed any document in support of their case before the trial Court.

4. The present application for appointment of an Advocate Commissioner was filed on 20.08.2014 and the evidence of the plaintiffs and DW3 was completed. There is no dispute with regard to measurement of the land either in the plaint or in the written statement. The learned counsel for petitioners is unable to explain how he is

seeking the assistance of Advocate Commissioner for noting down the physical features of the land in survey No.144 with which the suit is not connected. Therefore, as rightly held by the trial Court the petition is filed only to collect evidence. The trial Court also held that the petition is filed at the verge of closing the defendants' evidence and for posting the matter for arguments. The suit is of the year 2002 and the present application was filed on 20.08.2014. There is no basis for filing the present application.

5. I have carefully perused the affidavit and counter affidavit filed by the parties along with the plaint and written statement filed in the suit. In the absence of any basis for filing of application, dismissal of the same by the trial Court cannot be found fault, and the petition is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed and the order dated 21.10.2014 passed by the trial Court in I.A.No.56/2014 in O.S. No.466/2002 is upheld. Since the suit is of the year 2002, the learned Additional Junior Civil Judge shall dispose of the suit as expeditiously as possible depending on the pending matters. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 27.02.2015

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