

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1252 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendants aggrieved by the order and decree dated 06.03.2015 in I.A.No.2 of 2015 in O.S.No.274 of 2006, passed by the Principal Junior Civil Judge, Gudivada, Krishna District, dismissing the application filed by them under Order XXVI, Rule 9 and Section 151 of C.P.C., seeking to appoint an Advocate-Commissioner for noting down the physical features of the plaint schedule bode.

2. The respondent/plaintiff filed the aforesaid suit for injunction simplicitor with regard to the suit schedule property. It appears that earlier, at the instance of the petitioners/defendants, an Advocate-Commissioner was appointed and filed his report, to which the petitioners/defendants have already filed their objections. On the ground that there was no opportunity for them to cross-examine the Advocate-Commissioner, the present application is filed seeking appointment of another Advocate-Commissioner to note down the physical features of the plaint schedule bode. After considering the material on record, the Court below dismissed the said application through the impugned order dated 6.3.2015. Hence, the present civil revision petition.

3. Heard Sri V.V. Prabhakara Rao, learned counsel for the petitioners/defendants and perused the impugned order dated 6.3.2015.

4. The suit is of the year 2006. If objections are already filed by the petitioners/defendants to the report submitted by the earlier Advocate-Commissioner, the same will be considered by the Court

below while adjudicating the matter, but on that ground, the petitioners/defendants cannot seek for appointment of another Advocate-Commissioner, at this stage, moreso in a suit for injunction simplicitor.

5. In view of the reasons assigned by the Court below, I do not find any illegality in the impugned order, warranting interference by this Court under Article 227 of the Constitution of India. I hope and trust that the objections filed by the petitioners/defendants will be considered by the Court below at an appropriate time.

6 . Subject to the above observation, this civil revision petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

17.04.2015.

Msr

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