

**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.3175 of 2015

Between:

M/s.Premvijayanagar Colony Welfare Association and others.

....Petitioners

and

D.S.Prasad Rao and another.

....Respondents

JUDGMENT PRONOUNCED ON : 18.12.2015

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.3175 of 2015

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ORDER:

The petitioners are defendants in O.S.No.1681 of 2010 on the file of the learned VII Additional Senior Civil Judge, Ranga Reddy District, at L.B.Nagar. The suit was filed for declaration of title and perpetual injunction in respect of the structures raised in the park area in Premvijaynagar Colony, Malkajgiri, Ranga Reddy District. The defendants filed written statement. After filing the written statement, the respondents herein filed I.A.No.1826 of 2012 seeking appointment of an Advocate Commissioner to inspect and measure the illegal structure raised by the defendants on the suit schedule property as per the rough

sketch enclosed in the plaint. The said application was in fact not opposed by the defendants in their counter affidavit, where they stated as follows:

“I submit that in view of the same, if an Advocate Commissioner is being appointed to note down the suit schedule property location, the same Advocate commissioner has to be directed to note down the physical features, road under occupation of the petitioners as well the dimensions of the premises of the petitioner No.1 as well the plinth area of each floor and if the property of the petitioner No.1 is also verified, we have no objection for appointing an Advocate Commissioner.”

Taking the same into consideration, the trial Court appointed an Advocate Commissioner for the purpose of inspection and measuring the illegal structures raised by the defendants by order dated 02.06.2014.

I do not see any ground to interfere with the said order when no objections were expressed by the petitioners herein in their counter. Even on facts also, the impugned order does not warrant any interference.

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

(A.RAMALINGESWARA RAO, J)

18.12.2015

vs