

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.3333 of 2014

BETWEEN

Kandimalla Bindu Madhavi.

... PETITIONER

AND

Kanaparthi Lakshmi Rajyam and others.

...RESPONDENTS

Counsel for the Petitioner: MR. SUBBA RAO KORRAPATI

Counsel for the Respondents: MR. C.M.R. VELU

The Court made the following:

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ORDER:

Petitioner is defendant No.4 in O.S.No.37 of 2008 on the file of the Senior Civil Judge, Parchuru. Petitioner made an application, being I.A.No.350 of 2014, seeking appointment of an Advocate Commissioner to identify the plots, which are subject matter of the suit. The said application

was dismissed by the Court below under the impugned order dated 20.08.2104 and the same is questioned in this revision.

2. I have heard the learned counsel for the petitioner.

3. On the facts and circumstances of the case, I am not inclined to entertain the revision for more than one reason. Firstly, the suit has been tried by examining P.Ws.1 to 6 and D.Ws.1 to 10.

Secondly, the present application filed by the petitioner is, apparently, belated and in any case, the suit being one for declaration, it is for the plaintiff to establish his entitlement for the relief sought for in the suit. The appointment of an Advocate Commissioner, at this stage, therefore, was rightly declined by the Court below, particularly, keeping in view that the suit is of the year 2008 and ripe for disposal. Hence, I do not see any reason to entertain the revision petition. However, let the suit be disposed of as expeditiously as possible.

The civil revision petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 19, 2015
DSK