

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.3099 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed against the order dated 14.07.2015 passed in I.A.No.237 of 2015 in O.S.No.752 of 2015 on the file of the VIII Junior Civil Judge, City Civil Court, Hyderabad.

The petitioners are the defendants in the aforesaid suit filed by the respondent/plaintiff for injunction simplicitor. The present application in I.A.No.237 of 2015 is filed by the petitioners/defendants seeking appointment of Advocate-Commissioner to take measurement of suit schedule property i.e., H.No.19-4-1/68/1 admeasuring 600 sq. yards with open space and a room situated at Jangammet near Falaknuma, Hyderabad and fix boundaries with photographs, to meet the ends of justice. By the impugned order, the said application is dismissed. Hence, this revision.

Heard learned counsel for the petitioners and perused the impugned order and other material available on record.

The suit is filed for injunction simplicitor. The trial Court has rightly observed that as much as the suit is filed

for injunction simplicitor, it is well settled that no Commissioner can be appointed to gather evidence. Having regard to the findings recorded by the trial Court, this Court is of the view that the impugned order does not call for interference of this Court under Article 227 of the Constitution of India.

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