

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4895 of 2014

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Dated 30th January, 2015

Between:

G.Krishna Reddy

...Petitioner

And

Sri Harikishan Agarwal and others

...Respondents

Counsel for the petitioner: Sri T.Sharath

Counsel for the respondents: ---

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 20.11.2014, in I.A.No.1335 of 2013, in O.S.No.937 of 2008, on the file of the learned I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar.

The petitioner has filed the above-mentioned suit for permanent injunction against respondent Nos.2 to 4. Respondent No.1 has got himself impleaded in the suit. He has disputed the identity of the suit property by raising a plea that the same

does not exist. However, respondent No.1 has filed I.A.No.1335 of 2013 for appointment of an Advocate Commissioner to note down the physical features of 'A' & 'B' schedule properties after identifying the same with the assistance of the Mandal Surveyor from the office of the Tahsildar, Serilingampally Mandal, Ranga Reddy District. This application has been allowed by the lower Court, feeling aggrieved by which, the petitioner/plaintiff filed this civil revision petition.

After hearing the learned counsel for the petitioner, I am of the opinion that appointment of Advocate Commissioner may work to the advantage of the petitioner more than it works in favour of respondent No.1, for, it is for the petitioner who is the plaintiff in the suit to identify the property. Thus, it advances the case of the petitioner. In this view of the matter, I do not find any reason to interfere with the order of the lower Court.

The learned counsel for the petitioner, however, submitted that respondent No.1 has been trying to drag on the proceedings on one pretext or the other and that a direction may be issued to the lower Court to dispose of the suit early.

Considering the facts that the suit is of the year 2008, the trial has been completed and the suit is stated to have been posted for judgment, the lower Court shall ensure that the Advocate Commissioner files his report expeditiously and shall dispose of the suit within two months from the date of receipt of a copy of this order.

Subject to the above direction, the civil revision petition stands dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.5649 of 2014 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

30th January, 2015

VGB