

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

CIVIL REVISION PETITION NO.2613 OF 2015

DATED:10-7-2015

Between:

Chetuvedula Narasimha Murthy

... Petitioner

And

Gade Srinivasa Reddy

... Respondent

... Respondents

COUNSEL FOR THE PETITIONER: Ms. T.V. Sridevi

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.3.3.2015 in I.A. NO.830 of 2014 in O.S. No.192 of 2010, on the file of the Principal Junior Civil Judge, Narasaraopet.

I have heard Ms. T.V. Sridevi, learned counsel for the petitioner, and perused the record.

The respondent has filed the above mentioned suit for perpetual injunction against the petitioner. It is his pleaded case that he owns Ac.1.00 of land in Sy.No.11 of Vipparlapalli Village and that the petitioner has Ac.4.00 of land. The respondent has alleged that the petitioner is interfering with his possession in respect of his Ac.1.00 of land. The petitioner has filed I.A. No.830 of 2011 under Order XXVI Rule 9 of the Code of Civil Procedure, 1908, for appointment of an Advocate Commissioner to measure the land of Ac.4.00. This application was dismissed by the lower Court. Feeling aggrieved by the same, the unsuccessful petitioner filed this revision petition.

In a suit filed for permanent injunction the initial burden lies on the plaintiff to prove the allegations by adducing relevant evidence. If the plaintiff fails to discharge this burden, the suit is liable to be dismissed. Being the defendant, the duty of the petitioner ends by denying the plaint averments and producing his own evidence in respect of his case. If at all, it is for the plaintiff to file an appropriate application before the lower Court for inspection or survey of the property. Therefore, in my opinion, it is unnecessary for the petitioner to seek appointment of an Advocate Commissioner to disprove the allegations made by the respondent – plaintiff. In this view of the matter, I do not find any merit in this civil revision petition.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.
No.3501 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-7-2015

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