

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION NO. 479 OF 2016

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Between:

A. Ramaseshaiah S/o A. Venkataramanappa

....Petitioner

A n d

M Chandrasekhar S/o M. Nagappa

....Respondent

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DATE OF DISPOSAL: 03.02.2016

HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Petitioner is the plaintiff in I.A.No. 327 of 2015 in O.S.No. 92 of 2014 on the file of III Additional District Judge (FTC), Anantapuram.

I.A. was filed under Order XXVI Rule 9 and under Section 151 CPC for appointment of an Advocate Commissioner. This I.A was considered along with I.A.No. 689 of 2015 in O.S.No. 92 of 2012. The contention of the petitioner is that the Advocate Commissioner should be appointed to note down the physical features of the petition schedule property and also to note down whether there exists rasta or road with the help of Municipal Surveyor. Having regard to the fact that the petitioner purchased the property from the defendant in O.S.No. 209 of 2009 on 6.8.2012, i.e., pending the said suit, the Court below noted that it was not necessary to appoint an Advocate Commissioner having regard to the decree passed in the subject suit. It was also noticed that in the pending suit, the defendant was disputing the title and possession of the petitioner-plaintiff from the time of filing his written statement but the petitioner has not sought for the relief of declaration of title in the suit. The Court also noticed that in O.S.No. 209 of 2009, the Advocate Commissioner was appointed and the Commissioner's report was also discussed in detail.

Having regard to these facts and circumstances, the Court below was not inclined to grant relief as sought for and the I.A was dismissed. I do not see any error in the decision of the Court below warranting interference in exercise of revisional jurisdiction. Hence, the Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 03.2.2016
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