

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

CIVIL REVISION PETITION NO.1188 OF 2016

DATED:04-03-2016

Between:

Chennuri Siva Naga Babu ... Petitioner

And

Singamsetty Koteswara Rao ... Respondent

COUNSEL FOR THE PETITIONER: None appeared

COUNSEL FOR THE RESPONDENT: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.20.1.2016 in I.A. No.618 of 2015 in O.S. No.212 of 2013, on the file of the learned I Additional Junior Civil Judge, Guntur.

At the hearing, there is no representation for the petitioner.

I have perused the record. The respondent filed the above mentioned suit for perpetual injunction restraining the defendants therein, including the petitioner, who was impleaded as defendant No.2, from interfering with his possession and enjoyment of the suit schedule property. In the said suit, the petitioner has filed I.A. No.618 of 2015 under Order XXVI Rule 9 of the Code of Civil Procedure, 1908, for appointment of an Advocate Commissioner to localize the suit schedule property with the assistance of a surveyor to come to a just conclusion. The lower Court dismissed the said application by observing that in his evidence as D.W.1, the petitioner has categorically deposed in his cross-examination that the respondent - plaintiff constructed a house and is living in the suit schedule property, that the respondent informed him that he is living in the schedule property since ten years and that the plaint schedule property does not belong to his mother. Based on these depositions, the lower Court has concluded that the petitioner is clear about the existence of the plaint schedule property and its possession and that since the suit is filed for the relief of permanent injunction, it is not necessary to appoint an Advocate Commissioner.

Having examined the reasons assigned by the Court below in the order under revision, I do not find any illegality or jurisdictional error therein warranting interference of this Court. Hence, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.
No.1491 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

04-3-2016

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