

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.2575 of 2016

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 06.01.2016 passed by the learned VIII Additional Senior Civil Judge, Ranga Reddy District, in I.A.No.1415 of 2014 in O.S.No.1040 of 2010.

The aforestated I.A. was filed by the plaintiff in the suit under Order 26 Rule 9 CPC seeking appointment of an Advocate Commissioner. By the order under revision, the trial Court dismissed the I.A. Aggrieved thereby, the plaintiff is before this Court by way of this revision.

Heard Sri Abdul Muqeeth Qureshi, learned counsel for the petitioner/plaintiff, and Sri Vijay B. Paropakari, learned counsel for the respondent/defendant.

Perusal of the order under revision reflects that the petitioner/plaintiff failed to give the dimensions in terms of lengthwise and breadthwise measurement of the alleged encroachment by the respondent/defendant. No measurements as to the alleged encroached area were forthcoming from the pleadings. In that view of the matter, the trial Court opined that without these facts being furnished, appointment of an Advocate Commissioner for local inspection and demarcation would not in any way help the case of the plaintiff and accordingly dismissed the I.A.

This Court finds no lacuna or irregularity in the reasoning of the trial Court. A party approaching the Court for relief necessarily has to support such plea with sufficient pleadings and relevant facts. Failure to do so would result in denial of the relief sought.

The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

2nd September, 2016
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