

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.1129 OF 2016

ORDER:

_____ This revision under Article 227 of the Constitution of India, is preferred against the order passed by the XIII Additional District Judge at Gajuwaka in I.A.No.871 of 2015 in O.S.No.359 of 2007 dated 25.01.2016.

The petitioner herein is the plaintiff in the Suit, and the petitioner in the I.A. She filed the said I.A. for appointment of an Advocate Commissioner to localise the boundaries of the suit schedule property. In the order under revision, the Court below observed that two witnesses were examined on behalf of the plaintiff, and three witnesses on behalf of the defendants; it was the case of the plaintiff that she purchased the suit schedule property on 21.09.1991 from B.Satyavathi, and she was issued a patta by the Special Deputy Tahsildar, Inams on 22.03.1968; the suit was filed for declaration of title and possession; during cross examination of the defendants, the plaintiff never asked the witnesses about the correctness of the survey numbers or the patta numbers; and, as the suit was an old and an identified suit and no suggestion was put to D.Ws.1 to 3 regarding the boundaries of the suit schedule property, there were no valid grounds to appoint an Advocate Commissioner to localise the boundaries of the suit schedule property.

_____ It is evident from the order of the Court below that the petitioner did not even suggest to any of the witnesses, examined on behalf of the defendants, of any dispute regarding the survey numbers or the patta numbers wherein the property is situated. The Court below has rightly held that, in the absence of such a suggestion in cross examination, it is wholly unnecessary to appoint an Advocate Commissioner to localise the suit schedule property. The order passed by the Court below does not suffer from any patent illegality, justifying interference under Article 227 of the Constitution of India.

The Civil Revision Petition fails and is, accordingly, dismissed.
There shall be no orders as to costs. Miscellaneous petitions, if any,
pending shall stand dismissed.

(RAMESH RANGANATHAN, J)

4th March 2016

RRB