

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.4564 OF 2016

O R D E R

The plaintiffs in O.S.No.90 of 2011 on the file of learned IV Additional District Judge, Ranga Reddy District, are the petitioners in this Civil Revision Petition filed under Article 227 of the Constitution. They are aggrieved by the order dated 07.09.2016 passed by the trial Court in I.A.No.259 of 2015 filed by them in the said suit. By the said I.A., the petitioners/plaintiffs sought appointment of an advocate commissioner under Order 26 Rule 9 CPC to survey and demarcate the land in Survey Nos.11 and 12 of Champapet Village, Saroornagar Mandal, Ranga Reddy District. By the order under revision, the trial Court dismissed the I.A.

Heard Sri P.Venkateswara Rao, learned counsel for the petitioners, and Sri Satya Veer Reddy, learned counsel representing Sri Pottigari Sridhar Reddy, learned counsel for the respondents.

Perusal of the order under revision reflects that the trial Court took note of the fact that this Court had directed disposal of the main suit itself within a time frame as long back as on 15.07.2014 in C.M.A.No.225 of 2014. The trial Court also took note of the fact that several survey reports in relation to the suit schedule land were already available on record and that the present application, which was filed in the year 2015, was pressed only after arguments had already been heard in part in the main suit. Taking these facts into account, the trial Court opined that appointment of an advocate commissioner at this stage was not warranted as it would delay the disposal of the case and in any event, the petitioners/plaintiffs could not be permitted to collect and gather evidence by seeking

appointment of an advocate commissioner for surveying and demarcating the suit land.

This Court finds no irregularity in the order under revision warranting interference. It is not in dispute that the survey reports which were filed in an earlier suit between the parties have been marked in evidence in the present suit. It is also not in dispute that the said survey reports cover the suit schedule land.

Sri P.Venkateswara Rao, learned counsel for the petitioners/plaintiffs, would however contend that there was some amount of contradiction between the reports and that he will have no objection if the report in favour of his clients is relied upon.

It is however not for this Court to decide as to which report should be given more weightage. The trial Court would invariably look into all aspects, including the various survey reports which have been marked in evidence, and adjudicate the matter accordingly. No interference is warranted at this stage with the suit proceedings and, all the more so, for appointment of an advocate commissioner when the arguments in the main suit are in progress.

Viewed from any angle, this Court finds no merit in this Civil Revision Petition and it is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

21st OCTOBER, 2016

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