

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.656 of 2016

ORDER :

This revision is preferred questioning docket order dated 01.06.2015 in I.A.No.401 of 2008 in O.S.No.7 of 2001 on the file of Junior Civil Judge, Narsapur, Medak District.

2. Advocate for revision petitioners submitted that this I.A.No.401 of 2008 is filed to pass a final decree in terms of preliminary decree by appointing a Commissioner to divide the property by metes and bounds and that the trial Court appointed an Advocate Commissioner and the Advocate Commissioner has submitted his report to the Court. He submitted that respondents in the Commissioner's petition remained ex parte and when the matter has come up on 28.04.2015 as the petitioners filed no objections to the Commissioner's report, the Court closed the petition but posted to 15.05.2015. On 01.06.2015, the Court has recorded that the report of Advocate Commissioner is not in consonance with the preliminary decree and posted for hearing and that caused prejudice to petitioners. He submitted that the trial Court having closed the petition and recorded no objections by opposite party ought to have accepted the Commissioner's report and taken further steps instead of posting the matter for further hearing. He submitted at this stage a direction may be given to the trial Court to dispose of I.A.No.401 of 2008 in accordance with law, as expeditiously as possible, within fixed time as petitioners/plaintiffs who got the decree are unable to realise the fruits.

3. As seen from the record, I.A.No.401 of 2008 is posted to hearing. No doubt, Court below recorded that there are no objections from respondent side, but petitioners filed objections and Court must examine those objections and then pass orders. It cannot straight away accept Commissioner's report as suggested by petitioners.

Considering these aspects, I am of the view that there is no illegality in the orders of Court below.

4. For these reasons while dismissing the revision at admission stage trial Court is directed to dispose of I.A.No.401 of 2008 by following procedure as per law as expeditiously as possible preferably within four months from the date of receipt of order copy.

5. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

12th February 2016.

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