

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

CIVIL REVISION PETITION No. 6259 OF 2016

ORDER:

Heard learned counsel for the petitioner, Sri S. Dushyanth Reddy, and this Civil Revision Petition is disposed of at the stage of admission, as this Court felt no necessity to order notice on respondents.

2. This Civil Revision Petition is directed against the order dated 28.09.2016 in I.A. No.196 of 2016 in O.S.No.118 of 2014 on the file of Junior Civil Judge, Mydukur, Kadapa District, whereunder the trial Court on the petition filed by the respondents/defendants, appointed advocate-commissioner to inspect the petition schedule land and to note down physical features of the properties of both parties and existing field channels from Vanka, which is situated on the Southern side of the respondent's (Revision petitioner's) property. Aggrieved, the instant Civil Revision Petition is filed by the petitioner/plaintiff.

3. Against the Commission petition filed by the respondents/defendants, the revision petitioner/plaintiff contended before the lower Court that the appointment of Commissioner would amount to collection of evidence and there existed no "XXX" channel as referred by the petitioners therein.

4. The Court below, however, appointed advocate-commissioner on the observation that to ascertain real facts and decide the matter on merits, appointment of Commissioner was essential and such appointment would not prejudice any party but it will help the Court in ascertaining physical features of suit schedule property.

5. Having regard to the facts involved in this case, I find the impugned order did not suffer any illegality or irregularity as the Court below wanted to ascertain the physical features of the suit schedule property for effective

determination of the respective contentions of the parties before it. As such, revision petitioner/plaintiff can submit his work memo before the advocate-commissioner and assist him in localization of the suit schedule property for effective determination of the disputes between them.

6. Civil Revision Petition is, accordingly, dismissed at the admission stage. No order as to costs.

As a sequel, miscellaneous applications pending, if any, in this Revision shall stand closed.

U.DURGA PRASAD RAO,J

Dt: 23-12-2016
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