

HON'BLE SRI JUSTICE G.SHYAM PRASAD

C.R.P.No.4436 OF 2016

This civil revision petition is filed under Article 227 of the Constitution of India against the order dated 14.07.2016 passed by the Junior Civil Judge, Salur, Vizianagaram District in I.A.No.137 of 2015 in O.S.No.50 of 2012, which was filed under Order 26 Rule 9 read with Section 151 of the Code of Civil Procedure to appoint an advocate commissioner to localize the suit schedule property and also the property of the respondents/defendants with reference to the documents of both parties.

The trial Court on consideration of arguments of both sides arrived at the conclusion that there is no need to appoint an advocate commissioner and accordingly, dismissed the same.

Learned counsel for the petitioner submitted that there is no dispute with regard to the identity of the property of the petitioner, but the dispute is only with regard to the identity of the properties of the respondents. Hence, the petitioner sought for appointment of commissioner to note down the physical features of the suit schedule property and surrounding boundaries. Regarding the said purpose, the petitioner may take steps for appointment of Panchayat Surveyor and get the lands measured and may file the said

report before the trial Court and that the trial Court may consider the same.

On perusal of the material available on record and considering the facts and circumstances of the case, I do not see any ground to interfere with the order passed by the trial Court.

Accordingly, the civil revision petition is dismissed at the stage of admission. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

17.09.2016
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G.SHYAM PRASAD,J

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DATED: 17.09.2016

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