

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
CIVIL REVISION PETITION No.1074 OF 2011

ORDER:

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This Revision is filed against the order dated 31-01-2011 in I.A.No.295 of 2010 in O.S.No.688 of 2008 passed by the Additional Junior Civil Judge, Rajendra Nagar, Ranga Reddy District.

The petitioner filed above I.A. with a prayer to appoint Advocate Commissioner to note down the physical features of the suit land with the help of A.D.Surveyor, Ranga Reddy District and also to measure the suit land with tippons. The trial Court dismissed the said I.A. on the ground that the trial has yet to commence in the suit and so also on 09-05-2006, by conducting panchanama boundary stones were duly fixed with tippons by Deputy Inspector of Surveyor on the application of the petitioner to the Mandal Survey Officer on 10-10-2005, the application for appointment of advocate commissioner cannot be considered.

Now it has to be seen that this application filed even before evidence let in and the trial Court also observed that petition for appointment of Advocate commissioner can be considered only after adducing the evidence and more so, in this case, panchanama was conducted by fixing boundary stones. The matter with regard to fixing the boundary stones by conducting panchanama by Deputy Inspector of Surveyor as of now is not disputed by the respondents and during trial after leading evidence only, if it is disputed petitioner can make fresh application. In view of the same, I do not find any error or infirmity in the order passed by the trial Court.

Accordingly, the CRP is disposed of granting liberty to the petitioner to make an application for appointment of Advocate Commissioner after adducing the evidence and the same shall be considered by the trial Court in accordance with law. The trial Court is directed to dispose of the suit within a period of six months from the date of receipt of order. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

08-02-2016
nvl

