

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No.2755 of 2016

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, by the unsuccessful defendants/respondents 1, 2 and 4 is directed against the orders dated 4th April, 2016 of the learned Senior Civil Judge, Gudivada, passed in I.A.No.105 of 2008 in O.S.No.122 of 1996 filed under Order XXVI Rule 13 and Section 151 of the Code of Civil Procedure, 1908, requesting to appoint an Advocate Commissioner for partition of the plaint schedule properties into five equal shares and allotment of one such separated share to the plaintiffs as per the terms of the preliminary decree.

I have heard the submissions of Sri Kowturu Vinaya Kumar, learned counsel for petitioners, and of Sri Y.Ramatirtha, learned counsel for respondents.

I have perused the material record.

At the hearing, it is submitted that this revision petition was instituted after passing of the final decree. Learned counsel for plaintiff/1st respondent also placed on record the copy of the copy of the final decree dated 30th April, 2016, passed by the trial Court. A perusal of the material record shows that after a Commissioner was appointed, he visited the property and filed a report, pursuant to the warrant entrusted to him. The petitioners herein filed objections to the report of the Commissioner; but, the same were overruled by the trial Court and ultimately a final decree was passed.

In that view of the matter, no cause survives for adjudication in this civil revision petition.

Accordingly, the civil revision petition is dismissed as infructuous. It is needless to state that the petitioners/defendants are at liberty to challenge the final decree by pursuing the remedies which the law permits, if they wish so to do.

No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

21st December 2016

ajr

M. SEETHARAMA MURTI, J

