

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.4054 of 2016

ORDER :

This Civil Revision Petition is filed against the order dated 01.06.2016 in IA No.24 of 2016 in I.A.No.13 of 2015 in O.S.No.195 of 2015, wherein the Court below dismissed application filed by the petitioners under Order 26 Rule 9 r/w Section 151 CPC to appoint an Advocate Commissioner to note down the physical features of the suit schedule property in Sy.No.676/A, 676/B and 676, situated at Janagaon Shivar of Ramagundam Mandal.

Heard learned counsel for the petitioners, who submits that the trial Court erroneously dismissed the application of the petitioners, which was filed for noting down the physical features of the suit schedule property.

In this case, the Court below dismissed the application on the ground that no documentary evidence was let in by the revision petitioners to substantiate their claim for appointment of Advocate Commissioner. It was also observed by the Court below that it is the duty of the respondent/plaintiff to prove his case, as he approached the court by way of suit.

Learned counsel for the petitioners has not brought to the notice of this Court what is the infirmity in the impugned order passed by the Court below. Admittedly, the suit is for injunction and evidence is yet to be let in.

In view of the same, I do not see any illegality or infirmity in the order passed by the Court below, warranting interference by exercising the power of judicial review under Article 227 of the Constitution of India.

Accordingly this Civil Revision Petition is dismissed. However, this will not preclude the revision petitioners from filing appropriate application, after evidence is let in. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending, shall stands dismissed.

27.08.2016
kvs



A.RAJASHEKER REDDY, J

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