

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.1526 of 2016

ORDER:

1. The petitioners are defendants in O.S.No.246 of 2008 on the file of the Junior Civil Judge, Kanigiri. The suit was filed by the respondent for the relief of permanent injunction. Ad-interim injunction was granted in I.A.No.1276 of 2008 and the same was made absolute on 15.02.2012 granting temporary injunction in favour of the respondent herein. Challenging the said order, the petitioners herein preferred C.M.A.No.2 of 2012 before the learned Senior Civil Judge, Kandukur and the same is pending. In the said C.M.A., the petitioners filed I.A.No.2204 of 2014 seeking appointment of an advocate commissioner to localize and measure the suit scheduled property with reference to the recitals of registered settlement deed dated 30.03.2001 and registered sale deed dated 13.02.2008. The lower appellate Court dismissed the said application on the ground that the appeal was preferred against the order challenging the temporary injunction granted in I.A.No.1276 of 2008 and hence the present application for appointment of an advocate commissioner is beyond the scope of the main appeal. It was also observed that the petitioners are at liberty to move an application for appointment of commissioner before the trial Court and it will be for the trial Court to determine the real dispute in between the parties while deciding the main suit.

2. I am in agreement with the view taken by the lower appellate Court and this Court finds no ground to interfere with the order in I.A.No.2204 of 2014 in C.M.A.No.2 of 2012 dated 04.01.2016.

3. The Civil Revision Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

17-06-2016

Gsn