

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Civil Revision Petition No. 1470 of 2016

ORDER:

The present Civil Revision Petition is filed by the petitioners/defendant Nos.5,6,8 & 11 under Article 227 of the Constitution of India aggrieved by the order, dated 26-02-2016 passed in I.A.No.390 of 2015 in O.S.No.59 of 2012 on the file of the Senior Civil Judge at Sircilla, Karimnagar District, wherein the learned Senior Civil Judge dismissed the application filed by the petitioners/defendant Nos.5,6,8 & 11 seeking appointment of an Advocate Commissioner.

The Respondent No.1-plaintiff filed O.S.No.59 of 2012 for partition and separate possession of suit schedule properties among the plaintiff and the defendant Nos.1 to 4 by allotting the 1/5th divided share therein to the plaintiff; 1/5th each to defendant Nos.1 to 4 and for perpetual injunction restraining the defendants from entering into and interfering with the peaceful possession and enjoyment of the plaintiff.

It is to be noted that petitioners/defendant Nos.5,6,8 & 11 filed written statement in the year 2012 itself taking a plea as to the existence of structures in item Nos.1 and 2 of the suit schedule properties, but they did not take any steps for appointment of commissioner to note down the physical features at that point of time. At the fag end of the defendants' evidence, the present application is filed by the petitioners/defendant Nos.5,6,8 & 11. Therefore,
I am of the considered view that the trial Court has rightly

dismissed the I.A.No.390 of 2015, giving liberty to petitioners to prove the factum of existence of structures in item Nos.1 and 2 of the suit schedule properties by way of adducing oral evidence of neighbours and also by filing photographs of the said properties etc.

Having regard to the same, the request of petitioners-defendant Nos.5,6,8 & 11 for appointment of Advocate-Commissioner cannot be considered.

Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

Consequently, pending Miscellaneous Petitions, if any, in the Civil Revision Petition shall stand closed.

C.PRAVEEN KUMAR, J.

28th March, 2016

Note : Issue C.C. immediately.

B/O
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