

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.6127 OF 2016

DATED:23-12-2016

Between:

Yellapu Naga Raju
and another

... Petitioners

And

Kedarasetti Parameswari

... Respondent

COUNSEL FOR THE PETITIONERS Mr. K.A. Narasimham

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition is filed by the defendants in O.S. No.32 of 2016 on the file of the Senior Civil Judge, Yellamanchili, Visakhapatnam District, feeling aggrieved by order dt.04.08.2016 in I.A. No.409 of 2016, passed in the aforementioned I.A. appointing an Advocate Commissioner to localize the plaint schedule property with the assistance of the Mandal Surveyor of Yellamanchili Mandal and to submit his report.

After hearing the learned counsel for the petitioners and perusing the record, I am of the opinion that the lower Court has not committed any jurisdictional error in appointing the Advocate Commissioner inasmuch as there appears to be some dispute regarding the identity of the property. Under Order XXVI Rule 9 of the Code of Civil Procedure, 1908, the Court may appoint a commission *inter alia* for conducting local investigation for the purpose of elucidating any matter in dispute. This being the legal position, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.8028 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

23-12-2016

bnr