

THE HON'BLE SRI JUSTICE A.V. SESA SAI

CIVIL REVISION PETITION No. 1471 OF 2017

ORDER:

This is an application filed under Article 227 of Constitution of India by the 4th defendant in O.S.No.96 of 2003 on the file of the Court of Junior Civil Judge, Uravakonda, Anantapur District, questioning the order dated 17.11.2016 passed by the said Court in I.A.No.208 of 2016.

The respondents 1 to 6 herein instituted the suit for permanent injunction. In the said suit, petitioners herein along with defendants 5 to 7 filed the present I.A.No.208 of 2016 under the provisions of Order XXVI Rule 10 of Code of Civil Procedure praying appointment of fresh Advocate-Commissioner to make local inspection of the petition schedule mentioned property and to note down the physical features, to take photographs and to measure the same, by eschewing the previous Commissioner's report. The learned Junior Civil Judge, Uravakonda by way of the order under challenge dismissed the said application filed by the petitioner herein along with others.

According to the learned counsel for the petitioner, the order impugned in the present revision is erroneous, contrary to law and opposed to Order XXVI Rule 9 and 10 of the Code of Civil Procedure. He has further submitted that if the present application is allowed, the same will be helpful to the

Court below to come to a just and proper conclusion. Admittedly, the present suit is of the year 2003 and the suit is coming up for arguments.

Learned Junior Civil Judge in the impugned order took note of the fact that earlier, on the application filed by the plaintiffs in I.A.No.302 of 2003, the Advocate Commissioner was appointed and he submitted his report also. A perusal of the order under challenge vividly discloses that the learned Junior Civil Judge recorded cogent and convincing reasons for dismissing the application filed by the petitioner herein along with others. It is settled and well established principle of law that unless the order impugned suffers patent perversity and jurisdictional error, the jurisdiction of this Court under Article 227 of Constitution of India cannot be permitted to be invoked.

For the aforesaid reasons, the Revision is dismissed. No order as to costs.

Miscellaneous petitions pending consideration, if any, in the Civil Revision Petition shall stand closed in consequence.

A.V.SESHA SAI, J

28.07.2017
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