

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.989 of 2017

ORDER:

The defendant in O.S.No.715 of 2016 is the revision petitioner. Revision petitioner challenges the order appointing Advocate Commissioner to measure XYBA and ABCD site in plaint plan, take measurements of X to A and A to D and also take measurements of ABGH portion and file report.

2. Learned counsel appearing for parties submits that the Advocate Commissioner has already executed the warrant and report is yet to be filed. Though this Court is not happy with the manner in which the order impugned in C.R.P. is passed viz., that paragraphs 1 to 6 substantially reproduce the averments of parties and by framing the point whether the plaintiffs are entitled for relief as prayed for, the order impugned in the revision is passed. The Advocate Commissioner has already inspected the site. Hence, at this stage of the matter, this Court does not want to interfere with the order impugned. The revision petitioner, it is stated, has already filed work memo during execution by the Advocate Commissioner. If the warrant is not executed as per work memo of petitioner, the petitioner can work out such grievance by filing objections, etc., The trial Court is under obligation to consider the objections and take a decision.

3. With the above observations, the revision is dismissed. No order as to costs.

4. Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

23rd June 2017

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