

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

SECOND APPEAL No.183 of 2016

JUDGMENT:

This appeal is filed by the unsuccessful plaintiff challenging the decree and judgment dated 04.12.2012 in A.S.No.82 of 2011 on the file of Court of IV Additional District Judge, R.R.District at L.B. Nagar, Hyderabad, wherein and whereby the decree and judgment dated 16.4.2010 in O.S.No.74 of 2006 on the file of the Court of I Junior Civil Judge, Ranga Reddy District, decreeing the suit in favour of the plaintiff was reversed.

2. At the time of hearing, learned counsel for both the parties submitted that there is some confusion with regard to localisation of the suit schedule plot. The plaintiff is claiming plot No.9 in survey No.250 of Boduppall village whereas the defendant is claiming plot No.9 in survey No.251 of Boduppall village. A perusal of the record reveals that the land covered by survey Nos.250 to 257 of Boduppall village was converted into plots, as per the lay-out. The learned counsel for both parties, therefore, submitted that the matter may be remanded to the trial Court in order to localize the suit schedule plot. They further submitted that one of the parties to the proceedings will file application for appointment of advocate commissioner for localization of the suit schedule plot. They further submitted that their respective counter-

parts in the trial Court will cooperate for early disposal of the suit. In view of the submissions made by the learned counsel for both the parties, this Court is not inclined to remand to the matter without going into merits of the main case.

3. Accordingly, the second appeal is allowed. The decree and judgment dated 04.12.2012 in A.S.No.82 of 2011 on the file of Court of IV Additional District Judge, R.R.District at L.B. Nagar, Hyderabad and the decree and judgment dated 16.4.2010 in O.S.No.74 of 2006 on the file of the Court of I Junior Civil Judge, Ranga Reddy District, are hereby set aside. The matter is remanded to the trial Court with a direction to appoint an Advocate Commissioner, basing on the application filed by either of the parties or both of them, to localize the suit schedule plot, with the help of the concerned Municipal Surveyor. After submission of the report by the Advocate Commissioner, the trial Court shall dispose of the suit as expeditiously as possible. No order as to costs in this second appeal. Miscellaneous petitions if any pending in this second appeal shall stand closed.

T.SUNIL CHOWDARY, J

November 10, 2017.
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