

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P. No.1731 OF 2017

ORDER:

This Civil Revision Petition is filed challenging the order dt.09.03.2017 in I.A.No.1017 of 2015 in I.A.No.1005 of 2014 in O.S.No.30 of 2014 on the file of II Additional District Judge, Karimnagar at Jagtial wherein the said application was allowed appointing Advocate-commissioner to demarcate the subject property and to fix up boundaries for the same.

2. Heard Sri P. Venugopal, Senior Counsel for revision petitioner who submits that in a suit for simpliciter injunction appointment of Commissioner is not necessary and allowing the same in the present case is nothing but collecting evidence and Court below traveled beyond the prayer of respondent/defendant and passed impugned order and Sri V.Ravinder Rao, Senior Counsel for the respondent.

3. A reading of the order goes to show that the petitioner filed I.A.No.1017 of 2015 with prayer to appoint advocate commissioner to demarcate the land and to fix the boundaries as per measurement mentioned in the link document of him, but the Court below appointed the advocate Commissioner to demarcate and fix boundaries

for the land of an extent of Ac.3-39 guntas in survey No.1302/1.

4. The relief granted by the Court below is not in tune with the prayer made by the respondent/defendant and on that ground alone, the impugned order is set aside and the matter is remanded back to the Court below to pass orders afresh, after hearing both parties, in accordance with law.

5. The Civil Revision Petition is disposed of accordingly.
No costs.

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

16th June, 2017.
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A.RAJASHEKER REDDY,J

