

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.861 of 2017

ORDER:

Heard learned counsel for the petitioners/plaintiffs and the learned counsel for the respondent/defendant and perused the impugned order of the lower Court in I.A.No.719/2016 in the pending injunction application in I.A.No.213/2016 in pending suit in O.S.No.52/2016, in appointing advocate commissioner for the purpose of local investigation and for the purpose of elucidating the matter to which demarcation of boundary dispute between the properties of plaintiffs and defendant in question at request of the defendant.

Once the boundary dispute is raised and it is to be decided and it is not the case of the plaintiffs even much less of the defendant of both are disputing for same property, but for to the different survey numbers; without demarcation and identity the dispute cannot be decided with much oral evidence and thus lower Court is right in appointing advocate commissioner.

Accordingly and in the result, the revision petition is dismissed. However, the parties are at liberty to give any work memos for the commissioner to attend within the scope of the warrant.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 14.07.2017

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