

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P. No. 2143 of 2017

ORDER:-

This Court, by order dated 26.04.2017, while disposing of the Civil Revision Petition, appointed Advocate Commissioners and directed them to know as to who has occupied the land, in which survey number and under what boundaries, so as to enable the trial Court to decide O.S.No. 140 of 2015. This Court further directed them to file report on or before 01.06.2017 before the Court below i.e. the Junior Civil Judge, Vinukonda, Guntur District.

In pursuance of the directions given by this Court, the Advocate Commissioners have filed a Memo dated 05.06.2017 stating that on 10.05.2017, they gave notices to the Advocate appearing on behalf of the petitioner, the Mandal Surveyor and the Station House Officer, Ballapalli, Gundut District for inspection of site and submission of the report. It is further stated that since there has been no response from the petitioner's side, the Advocate Commissioners could not comply with the order dated 26.04.2017 passed by this Court.

The learned counsel for the revision petitioner submits that the trial Court may be directed to appoint an Advocate Commissioner, who would submit report, on the same terms and conditions as directed by this Court.

It is pertinent to mention here that it is only at the request made by the learned counsel for the petitioner, this Court passed the order 26.04.2017. However, in spite of the specific directions given by this Court, the petitioner did not come forward to co-operate with the Advocate Commissioners appointed by this Court to inspect the site and file report thereof.

In view of the above, this Court discharges the Advocate Commissioners from the case and directs the Junior Civil Judge, Vinukonda, Guntur District to appoint another Court Commissioner who shall file a report before the trial Court.

Since the petitioner has wasted the time of this Court in passing the order dated 26.04.2017 and also the time of the Advocate Commissioners, who issued notices to the parties concerned, this Court directs the petitioner to pay costs of Rs.2,000/- (Rupees Two Thousand Only) to each of the Advocate Commissioners, within a period of two weeks from today.

In view of the above directions, no further orders are required to be passed in the Civil Revision Petition.

Accordingly, the Civil Revision Petition is closed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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SURESH KUMAR KAIT, J

14.07.2017

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