

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.4375 OF 2017

DATED:01-09-2017

Between:

Surada Annapurna

... Petitioner

And

Yedlapalli Rajamma
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Ravi Cheemalapati

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.14.7.2017 in I.A. No.63 of 2017 in O.S. No.125 of 2012 on the file of the Principal Junior Civil Judge, Bheemunipatnam.

The petitioner filed the aforementioned suit for permanent injunction against the respondents. Respondent Nos.1 and 2 have filed the aforementioned I.A. for appointment of an Advocate Commissioner to localize the suit schedule property with reference to the revenue records concerned to note down the physical features. Though this application was opposed by the petitioner, the Court below has allowed the same.

The learned counsel for the petitioner submitted that respondent Nos.1 and 2 having failed to produce any documentary evidence got the Advocate Commissioner appointed only to gather the evidence.

Though ordinarily in a suit for injunction an Advocate Commissioner need not be appointed, I am not inclined to interfere with the order of the lower Court mainly for the reason that it has exercised its discretion in favour of appointing the Advocate Commissioner, and unless the order causes serious prejudice to the interests of the petitioner, it is not appropriate for this Court to interfere with such order. When a specific question is put to the learned counsel for the petitioner, he could not state as to in what manner his client's interests would be prejudiced by the appointment of the Advocate Commissioner. Far from causing any prejudice to the petitioner, by appointment of an Advocate Commissioner, the petitioner may stand to gain if his claim is bona fide.

For the aforementioned reasons, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.
No.5744 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

01-09-2017

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