

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

C.R.P.No. 650 OF 2017

DATED 10TH FEBRUARY, 2017

Between:

Paleti Venu (died) and others ... Petitioners

AND

Andhra University,
Rep. by its Registrar,
Visakhapatnam,
Visakhapatnam District,
Andhra Pradesh ... Respondent

Counsel for the petitioners : Sri T.Sridhar

Counsel for the respondent : --



THE COURT MADE THE FOLLOWING

ORDER:

This civil revision petition arises out of order dated 22-07-2016 in I.A.No. of 2016 in O.S.No. 233 of 2010 (G.R.No. 1682 dated 16-02-2016) on the file of the Court of Principal District Judge, Visakhapatnam (for short, 'the lower Court'), whereby the lower Court has rejected the said application filed by the petitioners-plaintiffs for appointment of a fresh advocate commissioner.

2. A perusal of the order of the lower Court shows that it has rejected the petitioners' application for appointment of advocate commissioner on the ground that already an advocate commissioner was appointed in I.A.No. 1274 of 2014; that the advocate commissioner has filed his report, wherein he has stated that he has issued notice to both counsel and also the parties; that all of them were present along with Mandal Surveyor for conducting survey of the suit schedule property and that the survey was held in the presence of all the parties and in token of their presence, the advocates have signed on the commissioner's report.

3. The fact that an advocate commissioner was earlier appointed and he has submitted his report is not in dispute. If the petitioners are not satisfied with the contents of the advocate commissioner's report, the only course open to them is to file objections and request the Court not to take the advocate commissioner's report into consideration. As held by this Court in ***Seepally Thirupathi Vs. Repelli Mallikarjun***¹ referred to and relied on by the lower Court, so long as the report of the advocate commissioner is not set aside, a second advocate commissioner cannot be appointed. Therefore, I do not find any jurisdictional error in the order of the lower Court in rejecting the petitioners' application for appointment of a second advocate commissioner.

¹ 2006 (4) ALT 23

4. The civil revision petition is, accordingly, dismissed.
5. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No. 822 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 10-02-2017.

JSK

