

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No. 1760 of 2017

ORDER:

Heard arguments of Sri Maheswar Rao Kuncham, learned counsel for revision petitioner and after perusal of the impugned order this Court considered it not necessary to issue notice to respondents. Hence, this Civil Revision Petition is disposed of at the stage of admission.

2) This Civil Revision Petition is filed by the petitioner/plaintiff aggrieved by the order in I.A.No.337 of 2015 in O.S.No.23 of 2015 on the file of Senior Civil Judge, Praddatur where under the learned Judge dismissed the petition filed by the petitioner under Order XXVI Rule 9 r/w Section 151 CPC seeking for appointment of an advocate commissioner to localize and note down the physical features of suit schedule property with the assistance of Mandal Surveyor. The trial Court dismissed the said petition mainly on the observation that suit schedule property is vacant land and petitioner clearly admitted the ownership and existence of properties on ground is not in dispute and in that view the Court was unable to understand how appointment of an advocate commissioner would be needed.

4) A perusal of the petition, affidavit and counter filed by the respondents in I.A.No.337 of 2015 and also the impugned order make it clear and as rightly observed by the trial Court, the identity of the

suit schedule property is not in dispute so as to invoke the appointment of an advocate commissioner to localize the suit schedule property.

5) In that view of the matter, the order of the trial Court in dismissing the petition for appointment of an advocate commissioner cannot be found fault. Having not found any illegality or irregularity in the order impugned, this Court finds no merits in the CRP and accordingly CRP is dismissed.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

Date:11-04-2017
Murthy

U.DURGA PRASAD RAO,J

