

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

CIVIL REVISION PETITION NO.4359 OF 2017

DATED:01-09-2017

Between:

Alla Appala Naidu

... Petitioner

And

Silaparasetti Rama Krishna
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Subrahmanyam

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

The plaintiff in O.S. No.141 of 2010 filed this civil revision petition feeling aggrieved by order dt.19.06.2017 in I.A. No.10 of 2015 filed in the said suit whereby the learned Senior Civil Judge, Chodavaram, dismissed the application for appointment of an Advocate Commissioner to note down the physical features of the plaint schedule lands covered by Sy. Nos.344/6 to 16, 343/8 and the respondents - defendants' lands covered by Sy. No.345 of Narasayyapeta Village, to measure the same through Government Surveyor with reference to Government records and to find out in which survey number the disputed land is situated.

The learned counsel for the petitioner submitted that as there is a dispute regarding the survey number in which the suit property is situated, his client has filed the application for appointment of an Advocate Commissioner to ascertain the suit property. I am afraid, an Advocate Commissioner cannot be appointed for collecting the evidence. The burden lies on the petitioner - plaintiff to prove his plea that the property is situated in the suit survey numbers by getting the land surveyed through a licensed surveyor and examining him in the Court. Therefore, though the I.A. was not dismissed on the above ground, I am not inclined to interfere with the dismissal of the I.A.

For the aforementioned reasons, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.5730 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

01-09-2017

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