

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.5627 of 2016

ORDER:

This Civil Revision Petition is filed by the petitioner-respondent-defendant, under Article 227 of the Constitution of India, aggrieved by the docket order, dated 26.10.2016, in I.A.No.1572 of 2016 in O.S.No.611 of 2016, on the file of the I Additional Junior Civil Judge, Kakinada, East Godavari District.

2. Heard and perused the entire material available on record.

3. The respondents-petitioners-plaintiffs filed I.A.No.1572 of 2016 in O.S.No.611 of 2016 before the I Additional Junior Civil Judge, Kakinada, seeking appointment of Advocate Commissioner to localize the properties as per their respective documents and as per the sale certificate of the defendant, wherein the learned trial Judge allowed the above said petition by appointing an Advocate Commissioner to localize the properties as per the document bearing Nos.4475 of 1998, 4476 of 1998, 4477 of 1998 & 4478 of 1998 and also as per the sale certificate of the defendant. Aggrieved by the above said order, the petitioner-respondent-defendant filed the present civil revision petition.

4. The apprehension of the learned counsel for the petitioner is that the appointment of Advocate Commissioner is only with an intention to collect evidence and prayed this Court to set aside the impugned order.

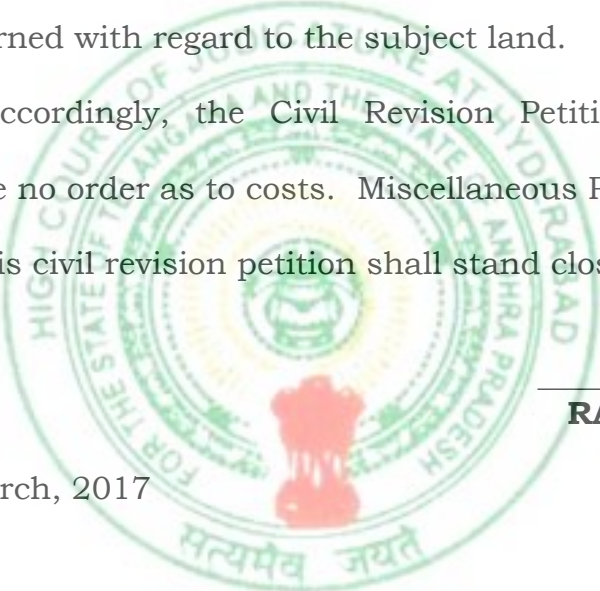
5. Learned counsel for the respondents submitted that the appointment of Advocate Commissioner is only to localise the properties and not for any other purpose. Learned counsel for the

respondents further submitted that this Court may pass an order directing the Advocate Commissioner not to travel beyond marking the topography of the land and not to decide the issue of possession of the land.

6. In view of the above submissions of the learned counsel for the respondents, this Court is inclined to pass the following order:

The Advocate Commissioner is directed only to localize the subject properties as per the documents mentioned in the impugned order and he should not decide the possession of the parties concerned with regard to the subject land.

7. Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.



RAJA ELANGO,J

Date: 15th March, 2017

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