

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 6295 OF 2016

ORDER:

This Civil Revision Petition is filed against the order in CMA No. 15 of 2016 dated 22.11.2016 preferred against the order in I.A.No. 196 of 2016 in O.S.No. 207 of 2016 pending before the III Additional Junior Civil Judge, Ongole.

The suit was filed by respondents 1 & 2 herein, for permanent injunction. When the plaintiff filed I.A. No. 196 of 2016 for temporary injunction, the said application was dismissed by an order dated 29.8.2016. Against the said order, the above CMA No. 15 of 2016 was filed and the lower appellate Court allowed the appeal. This Court by an order dated 6.1.2017, granted status-quo for a period of three weeks and the same was maintained till 28.2.2017.

Learned counsel appearing for petitioners as well as the respondents pointed out that there is no dispute with regard to the identity of the suit schedule property and the relief sought for by the plaintiffs is in relation to the property.

In view of the same, both the counsel submitted that the matter should be remanded to the lower appellate Court for appointment of an Advocate Commissioner in order to note down the physical features of the suit schedule property and passing an appropriate order on the basis of the report of the Advocate Commissioner.

In view of the consensus arrived at by both the parties, the order passed by the lower appellate Court in CMA No. 15 of 2016 dated 22.11.2016 is set aside and the matter is remanded to the learned Principal District Judge, Prakasam at Ongole, for passing appropriate orders in accordance with law.

This order is passed in view of the dispute raised by both the parties with regard to the identity and location of the land. It is open to the parties to seek appointment of an Advocate Commissioner before the learned Principal District Judge, Prakasam at Ongole, and, as and when such an application is filed, learned Principal District Judge, Prakasam at Ongole, shall consider the same in accordance with law and pass orders.

Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs. As sequel thereto, Miscellaneous Petitions, pending if any, shall stand closed.

A. RAMALINGESWARA RAO, J

DATE: 23.02.2017

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