

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.1405 of 2012

ORDER :

The Civil Revision Petition is filed by the petitioner/plaintiff, aggrieved by the order dated 16.12.2011 in I.A.No.791 of 2011 in O.S.No.25 of 2011 on the file of the Principal Junior Civil Judge, Palakol, West Godavari District.

Heard the learned counsel for the petitioner/plaintiff and respondents/defendants and perused the grounds urged in the revision and the impugned order of the lower Court.

Undisputedly, the defendants in O.S.No.57 of 2011 in the self same Court, where the present suit of the plaintiff as O.S.No.25 of 2011 is pending against the defendants. It is in respect of part of the respective Ac.0.05 cents of the land in dispute, as can be seen even from the impugned order of the lower Court, for the claim of Ac.0.03 cents or so by each. Leave about, there is any further encroachment of Ac.0.01 cents by anybody in O.S.No.57 of 2011 in the presence of the plaintiff herein and as defendant therein, an advocate commissioner is appointed, as borne out from para-6 of the impugned order of the lower Court, that could not be disputed by both sides herein. Once an advocate commissioner is appointed in relation to the self same property in dispute, that report can be used in another suit also with no necessity of appointment of another advocate

commissioner. Leave about that difficulty also does not arise herein, for the fact that both the suits between the same parties are pending before the same Court. To avoid conflicting of judgments, the lower Court is directed to club both the suits and permit common evidence of both sides and if necessary, re-entrust the commission warrant to the extent of work memos, being given by the parties to serve the purpose in both the suits.

With the above observations, the Civil Revision Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:03-11-2017

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Dr. B. SIVA SANKARA RAO, J

