

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.2610 OF 2017

Dated:13.06.2017

Between:

Samala Sadananadam, S/o. Late Chennaiah,
Aged about 52 years, Business, R/o.New
Shayampet, Hunter Road, Hanamkonda,
Warangal, Warangal District

.. Petitioner

AND

Veludandi Veeraswamy, S/o. Late Veeraiah,
Aged about 72 years, Business,
R/o.H.No.23-6-63/A, New Shayampet
Jagir, Hanamkonda, Hunter Road,
Warangal and another

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Petitioner is a plaintiff. Plaintiff filed I.A.No.129 of 2015 in O.S.No.555 of 2014 under Order XXVI Rule 9 C.P.C. for appointment of advocate commissioner to note down the physical features of the schedule property as to whether the suit land is situated within the limits of shares of the petitioner's vendor in Survey Nos.16 and 17 as per the advocate commissioner's report in O.S.No.129 of 1988.

2. On elaborate consideration of the rival contentions, the trial Court dismissed the petition observing that in O.S.No.129 of 1988, advocate commissioner was appointed. The report of the advocate commissioner discloses fixing of the boundaries of the property in Survey Nos.16 and 17 dividing into two parts and assigned the numbers as 16 Part A and 16 Part B. Petitioner No.1 therein is father of respondent No.1 in the suit. The trial Court also noticed that in the schedule appended to the suit the boundaries are mentioned. The trial Court therefore observed that initial burden lies upon the petitioner to prove identity of his property by adducing his own evidence. The trial Court observed that the petitioner is trying to take advantage for collection of evidence by seeking appointment of advocate commissioner.

3. Having regard to the facts of the case, I do not see any error committed by the trial Court warranting interference by this Court and the Civil Revision Petition is liable to be dismissed.

4. The Civil Revision Petition is accordingly dismissed.
5. At this stage, learned counsel for the petitioner submits that a direction be issued for expeditious disposal of the suit.
6. Having regard to the pendency in the subordinate Courts, no direction, as sought for, can be issued. However, liberty is granted to the petitioner to seek expeditious disposal of the suit and as and when such petition is filed, the same shall be considered by the trial Court.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date:13.06.2017

KH

P. NAVEEN RAO, J

