THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION Nos.5974, 5991 and 5992 of 2017

COMMON ORDER:

CRP No.5974 of 2017 is filed by the plaintiffs, under Article 227 of the Constitution of India, assailing the order dated 05.10.2017 dismissing I.A.No.343 of 2017 filed under VII Rule 14(3) read with Section 151 of CPC to receive certain documents in O.S.No.37 of 2008 on the file of the Court of the Junior Civil Judge, Mydukur, Kadapa District.

CRP No.5991 of 2017 is filed by the plaintiffs, under Article 227 of the Constitution of India, assailing the order dated 05.10.2017 dismissing I.A.No.341 of 2017 filed under Section 151 of CPC, to reopen plaintiffs' side evidence in O.S.No.37 of 2008 on the file of the Court of the Junior Civil Judge, Mydukur, Kadapa District.

CRP No.5994 of 2017 is filed by the plaintiffs, under Article 227 of the Constitution of India, assailing the order dated 05.10.2017 dismissing I.A.No.342 of 2017 filed under Order XVIII Rule 17 read with Section 151 of CPC, to recall P.W.1 in O.S.No.37 of 2008 on the file of the Court of the Junior Civil Judge, Mydukur, Kadapa District.

2. At the time of hearing, learned counsel for both the parties submitted that appointment of an advocate commissioner is inevitable, in this case, to ascertain about the structures existing in the suit schedule property. They further submit that a direction may be given to the trial Court to reopen O.S.No.37 of 2008 posted to 30.11.2017 for judgment and appoint advocate commissioner

subject to filing of necessary applications by the petitioners herein to note down the physical features of the suit schedule property and file report. In view of the submissions made by the learned counsel for both the parties, this Court is inclined to remand to the matter without going into merits of the main case.

3. Accordingly, the petitioners are directed to file applications viz., one for reopening O.S.No.37 of 2008, and another for appointment of advocate commissioner, on or before 28.11.2017. On filing of proper application, the trial Court is directed to appoint advocate commissioner by fixing the time to file report. After filing of the report by the advocate commissioner, the trial Court shall dispose of the suit in accordance with law.

4. With the above directions, the civil revision petitions are disposed of. Miscellaneous petitions if any pending in these civil revision petitions shall stand closed.

T.SUNIL CHOWDARY, J

November 16, 2017.

NOTE:
Dispatch order copy by 20.11.2017.
(By order)
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