

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No. 5693 OF 2016

ORDER:

This Civil Revision Petition is filed against order dated 27.04.2016 in I.A.No.47 of 2015 in O.S.No.01 of 2009, wherein the Court below dismissed the application filed by the petitioner for appointment of Advocate Commissioner to note down physical features of the suit schedule property vis-à-vis the boundaries and also to note what actually is existing in the suit schedule property.

The Court below dismissed the application holding that the petitioner is seeking appointment of second advocate commissioner, without mentioning the fact of appointment of an Advocate Commissioner earlier.

Heard learned counsel for the petitioner, who submits that the petitioner on the earlier occasion could not file work memo when Advocate Commissioner was appointed, at the first instance. As such, present application is filed.

In the affidavit filed in support of the application, no such plea is taken by the petitioner. The trial Court also found that there is no whisper about the report of the earlier Advocate Commissioner mentioned in the affidavit. The trial Court has rightly dismissed the application of the petitioner. Moreover, the suit filed by the respondent is for perpetual injunction and the petitioner herein is defendant in the suit and that the suit is of the year 2009.

In view of the facts and circumstances, I do not see any reason warranting interference of this Court under Article 227 of the Constitution of India.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this Civil Revision Petition shall stands dismissed.

A.RAJASHEKER REDDY,J

10-02-2017
kvs



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