

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.7167 of 2017

ORDER:

Aggrieved by the dismissal of her application for appointment of an Advocate Commissioner to note down the physical features of a property sought to be recovered in execution of a decree, the third party/claimant has come up with the above revision.

2. Heard the learned counsel for the petitioner.

3. The suit schedule property, for recovery of which the execution is laid, is of the extent of 22 square yards in R.S.No.184/1 and 2 in Revenue Ward No.4, in Municipal Ward No.14. In the course of execution, the petitioner filed a claim petition contending that she is the owner of the property of an extent of 77 square yards with asbestos sheet roofing in 14th Ward, D.No.14/196-77, Temple Colony, Machilipatnam. The petitioner sought appointment of an Advocate Commissioner to note down the physical features. But the Court below rejected the application forcing the claimant to come up with the above revision.

4. At the outset, the petitioner/claimant, is claiming a right over an extent of 77 square yards. The property, which forms the subject matter of execution, is of the extent of 22 square yards. Though both properties are located in the same revenue ward and Municipal ward, the descriptions do not tally. The Court below has observed that the boundaries do not tally. Therefore, the petitioner can have nothing to do with the property that forms the subject matter of the execution petition, and hence, the dismissal of the petition for

appointment of an advocate commissioner cannot be found fault with.

Therefore, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 22-12-2017

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