HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 1183 of 2018

ORDER:

Assailing the order dated 23.01.2018, passed in I.A.No.1822 of 2017 in A.S.No.23 of 2013, by Senior Civil Judge, Ramachandrapuram, wherein, the application filed by the petitioner, for appointment of an Advocate Commissioner to note down physical features and measurements of 'MPFI' marked portion of plaint plan, which includes 'ORPI' marked portion and also to note down the measurements of 'NGRO' portion, was dismissed, the present revision came to be filed.

2. As seen from the record, pending trial, earlier an application came to be filed for appointment of an advocate commissioner to submit a report. Objections came to be filed, but strangely the said report was not challenged independently. Ultimately, vide judgment dated 24.03.2011, O.S.No.209 of 2001 was dismissed. Aggrieved by the same, A.S.No.23 of 2013 came to be filed before the Court of Senior Civil Judge, Ramachandrapuram. The appeal was filed in the year 2013, but till 2017, no request was made for appointment of an advocate commissioner. No explanation is given as to why the petitioner kept quite for a period of four years, without making such a request at the earliest point of time.

3. When the matter is taken up for hearing, learned counsel for the petitioner would submit that the report of the advocate commissioner is very much essential to adjudicate the matter and as such pleads for appointment of an Advocate Commissioner. However, I am not inclined to

accept the request of the petitioner, as there is no explanation for the delay in filing the said application.

4. In view of the above circumstances; having regard to the conduct of the petitioner in filing the application with an abnormal delay, and as no reasons are given for the delay, I see no reason to interfere with the order passed by the trial Court.

5. Accordingly, the Civil Revision Petition is dismissed. No costs.

6. As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

23.02.2018
vhb