

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.1519 OF 2018

ORDER:

The present Civil Revision Petition, under Article 227 of the Constitution of India, is preferred by the unsuccessful petitioner - plaintiff in I.A. No.263 of 2017 in O.S. No.30 of 2010, which was dismissed by the order dated 31.01.2018, passed by the learned Senior Civil Judge, Zaheerabad.

2. Heard Sri R. Vinod Reddy, learned counsel for the petitioner - plaintiff, and taken up the present revision petition for disposal at the admission stage itself.

3. Perused the order under challenge and the material on record.

4. Sri R. Vinod Reddy, learned counsel for the revision petitioner, would fairly submit that no objections were filed by the revision petitioner for the report of the Advocate-Commissioner while also stating that one chance was sought for cross-examining the Advocate-Commissioner, but, that was refused by the Court below. Incidentally, the learned counsel also would submit that the opposite party has not filed any objections to the report of the Advocate-Commissioner.

5. When no objections at all were tendered by the revision petitioner, the question of affording a chance to cross-examine the Advocate-Commissioner does not arise. It is now well settled that when the parties do not file objections to the report of the Advocate-Commissioner, the report of the Advocate-Commissioner report automatically forms part of the record. Thus, there is no infirmity in the order passed by the Court below and there is no merit in the present revision.

6. Therefore, the Civil Revision Petition is dismissed, at the admission stage itself. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision petition stand dismissed.

March 16, 2018.

NOTE:

Issue C.C. of the order by 19.03.2018.

(BO) PV

A. SHANKAR NARAYANA, J