

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.1549 of 2018

ORDER:

Heard the learned counsel for the petitioners.

2. This Civil Revision Petition is filed assailing the order dt.23-02-2018 in I.A.No.107 of 2018 in O.S.No.206 of 2012 of the I Additional Junior Civil Judge, Tirupati, Chittoor District.

3. Petitioners are defendants in the suit. The suit was filed for injunction by the respondents against the petitioners.

4. An Advocate Commissioner was appointed by the Court below at the instance of the respondents in I.A.No.1114 of 2017. He then filed his report in the Court below to which objections were also filed by the petitioners. Petitioners thereafter filed I.A.No.107 of 2018 for a direction to the Advocate Commissioner to revisit the petition schedule property alleging that he did not serve notice of his warrant on the petitioners.

5. Though counter affidavit was not filed by the respondents, the Court below perused the record and noted that he did follow the procedure of service of notice and dismissed the said application with costs.

6. Assailing the same, this Civil Revision Petition is filed.

7. Though learned counsel for the petitioners contended that the petitioners were not served with notice of warrant by the Advocate

Commissioner, the report of the Advocate Commissioner shows that after giving prior notice to the petitioners and their counsel, he visited the property on 21-01-2018 and 29-01-2018. On a third occasion, when he issued notice stating that he would inspect the premises on 31-01-2018, learned counsel for the petitioners refused to receive the notice saying that he had given the case file to the party and when the Advocate Commissioner gave notice to the petitioners, they also refused to receive it stating that they wanted to engage new advocate and wanted to postponement of inspection.

8. Therefore, the allegation of the petitioners that the Advocate Commissioner did not inform them about his execution of the warrant in-advance is factually incorrect. I am satisfied that the Advocate Commissioner did follow the correct procedure by giving notice of his visits to the petitioners and the petitioners cannot simply ask for a direction to the Advocate Commissioner to again revisit the property by making false allegation that he did not give notice before his visit.

9. I therefore see no merit in the Civil Revision Petition and the same is accordingly dismissed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 15-03-2018

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