

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**CIVIL REVISION PETITION No.1756 of 2018**

**ORDER:**

Heard learned counsel for the revision petitioner/defendant and respondents/plaintiffs and perused the impugned order of the lower Court in I.A.No.884 of 2017, dated 29.11.2017, in the pending suit O.S.No.292 of 2013.

2. The existence of ABCD portion site of the plaint schedule not in dispute in the suit for bare injunction by the plaintiff. What the defendants claim is easementary right of passage over it. If at all it is an easement by grant or prescription or necessity, as the case may be, it is for the defendants who come with a positive plea in their written statement for not mere denial of the plaintiff's entitlement to injunction, has to establish the same. For that purpose, without establishing the same, the question of appointing an advocate commissioner does not arise, for not a case of localisation of property for undisputedly 'ABCD' portion site is in existence.

3. Having regard to the above, the civil revision petition is dismissed and it is not a bar if at all in future any case made out for appointment of an advocate commissioner to seek for any elucidation of any matter in dispute.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

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**Dr. B. SIVA SANKARA RAO, J**

1<sup>st</sup> May 2018  
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