

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No.2511 of 2018

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is preferred by the petitioners/defendants aggrieved by the action of the Junior Civil Judge, Rajam, Srikakulam District (Court below) in not disposing of I.A.No.319 of 2017 in O.S.No.33 of 2017 filed by them for appointment of an Advocate-Commissioner to note the physical features of the plaint schedule land, to note the ages and number of mango trees and also to note the existing boundaries of the plaint schedule land with the help of Mandal Surveyor, Rajam, and to file a report.

The petitioners are defendants and the respondent is plaintiff. For the sake of convenience, the parties are referred to as they were arrayed in the suit before the Court below.

The plaintiff filed the above suit in O.S.No.33 of 2017 against the defendants for permanent injunction and the same is pending before the Court below. In the meanwhile, when the plaintiff tried to plough the suit land with a tractor and tried to destroy the mango plants planted by the 2nd defendant, the defendants filed the above I.A.No.319 of 2017 seeking for appointment of an Advocate-Commissioner to note the physical features of the plaint schedule land, to note the ages and number of mango trees and also to note the existing

boundaries of the plaint schedule land with the help of Mandal Surveyor, Rajam, and to file a report. As the Court below is not disposing of the said application expeditiously, the defendants have filed the present revision.

Heard learned counsel for the petitioners/defendants and perused the material on record.

Learned counsel for the petitioners/defendants submits that the Court below has not disposed of I.A.No.319 of 2017 filed on 21.09.2017 for appointment of Advocate-Commissioner, which is essential for disposal of the suit and, therefore, sought for a direction to the Court below to dispose of the said application expeditiously.

It is pertinent to note that the circumstances under which I.A.No.319 of 2017 is not being disposed of by the Court below is not brought to the notice of this Court.

Having regard to the facts and circumstances of the case, this Civil Revision Petition is disposed of directing the Court below to consider for disposal of I.A.No.319 of 2017 filed by the defendants for appointment of Advocate-Commissioner according to law. No order as to costs.

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

GUDISEVA SHYAM PRASAD, J

20.04.2018.

NOTE: Issue C.C. by 23.04.2018.
(B/O)
Msr

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