

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.2093 of 2018

06.04.2018

Between:

Boyina Kondamma and others

..Petitioners

and

Thotakura Atchayamma and others

..Respondents

Counsel for the petitioners: Mr.M.V.S.Sai Kumar

Counsel for the respondents: --

The Court made the following:



ORDER:

This Civil Revision Petition is filed against order, dated 06.02.2018, in I.A.No.931 of 2017 in O.S.No.191 of 2009 on the file of the learned II Additional Senior Civil Judge, Visakhapatnam.

2. The petitioners have filed the aforementioned suit for partition and allied reliefs. After the entire evidence was closed and the case has been posted for arguments, they have filed I.A.No.931 of 2017 for appointment of an Advocate Commissioner for the purpose of localization of the suit schedule property and conduct of survey of the same. The said application having been dismissed, the petitioners have filed this Civil Revision Petition.

3. In my opinion, I.A.No.931 of 2017 deserves to be dismissed on two grounds *viz.*, (1) that in a suit for passing of a preliminary decree for partition, localization of the property is not needed and (2) that the said application is highly belated as it was filed eight years after the filing of the suit and that too after the trial was closed and the case was posted for arguments. On both these grounds, the petitioners cannot succeed and the said I.A. was rightly dismissed by the Court below.

4. Therefore, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

5. As a sequel to dismissal of the C.R.P., I.A.No.1 of 2018 filed by the petitioners for interim relief stands dismissed as infructuous.

06th April, 2018
GHN

C.V.NAGARJUNA REDDY, J

