

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

CIVIL REVISION PETITION No.2420 of 2018

20.04.2018

Between:

Annepu Varalakshmi

..Petitioner

and

Varadapu Reddy Annapurna and another

..Respondents

Counsel for the petitioner: Mr.Karri Suryanarayana

Counsel for the respondents: --

The Court made the following:



ORDER:

This Civil Revision Petition is filed against order, dated 23.02.2018, in I.A.No.13 of 2018 in O.S.No.93 of 2009 on the file of learned IV Additional Senior Civil Judge (Fast Track Court), Visakhapatnam, whereby she has dismissed the aforesaid I.A. filed by the petitioner for appointment of an Advocate Commissioner.

2. I have heard Mr.Karri Suryanarayana, learned counsel for the petitioner, and perused the record.

3. The petitioner, who filed the aforementioned suit for declaration of title and delivery of possession of the suit schedule property, earlier, filed I.A.No.79 of 2009 for appointment of an Advocate Commissioner. The said I.A. was allowed and an Advocate *viz.*, B.Ramesh Babu was appointed as the Commissioner. The said Advocate Commissioner, accordingly, executed the warrant and submitted his report. The petitioner has not filed any objections to the said report. However, he has filed I.A.No.13 of 2018 to appoint another Advocate Commissioner to measure the petitioner's site (plot) as well as that of the respondents with the help of a qualified surveyor as per the sale deeds, to note down the physical features, to fix the boundaries and to fix the extent of the encroachment made by the respondents. This application was dismissed and in my view rightly by the Court below.

4. Under Order XXVI Rule 9 C.P.C., a Commissioner can be appointed by the Court, *inter alia*, for elucidating the matter in dispute. As noted hereinbefore, at the instance of the petitioner, the Court below appointed an Advocate Commissioner by allowing I.A.No.79 of 2009. If the Advocate Commissioner has not performed his functions as per the warrant issued by the Court below, the petitioner was well within his right to file his objections. Having not filed any such objections, it is not permissible for the petitioner to file successive applications for appointment of an Advocate Commissioner for undertaking different tasks. Allowing such applications would result in undue prolongation of the proceedings which is wholly undesirable.

5. For the aforementioned reasons, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

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

20th April, 2018
GHN

C.V.NAGARJUNA REDDY, J