

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.2422 OF 2018

ORDER:

The Civil Revision Petition is filed, precisely, questioning the order of refusal, dated 06.03.2018, for appointment of Advocate Commissioner in I.A. No.7 of 2018 in O.S. No.1594 of 2017 on the file of the XIX Junior Civil Judge, City Civil Court, Hyderabad, filed by the petitioner to note down the physical features, on the main ground that it is intended to collect the evidence, since the petitioner has taken a stand that he has constructed house and residing therein.

2. Learned counsel for the petitioner, Sri Papaiah Peddakula, also would submit that the electricity consumption charges are being paid by the petitioner.

3. In case property tax is also paid by the petitioner and continuing to pay the tax and water consumption charges, it is always open to the petitioner to file these documents to prove his possession over the suit schedule property. Therefore, in a case where perpetual injunction is sought for, to note down the physical features on the main ground that the petitioner has raised constructions and residing therein, certainly, cannot be permitted to get the report of the Advocate Commissioner as it is nothing but to aid the petitioner in collection of evidence, as rightly held by the Court below. There is no merit in the present Revision.

4. Accordingly, the present Civil Revision Petition is dismissed.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision, stand closed.

A. SHANKAR NARAYANA, J

April 17, 2018.
Mgr

