

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

C.R.P.No.3170 of 2018

ORDER

Heard learned counsel for the petitioner and perused the record.

2. The present revision is filed under Section 115 of C.P.C., assailing the order dated 09.03.2018 passed in E.A.No.425 of 2017 in E.P.No.158 of 2015 in O.S.No.40 of 1998 by the Principal Junior Civil Judge, Kakinada.

3. The petitioner/J.Dr., filed the aforesaid application seeking to appoint an Advocate Commissioner to measure the properties of both parties and to note down, whether his newly constructed house property, marked in red colour in the decree, is his absolute property and submit a report by taking the assistance of Mandal Surveyor. After considering the material on record, the Court below rejected the same by the order impugned. Challenging the same, the present revision is filed.

4. Sri S. Subba Reddy, learned counsel for the petitioner, would submit that for an effective adjudication of the matter, appointment of Advocate Commissioner is very much necessary.

5. A perusal of the record would show that the issue with regard to title over the red marked portion came up for consideration in A.S.No.213 of 2009 on the file of III Additional Senior Civil Judge, Kakinada, filed against the judgment and

decree dated 15.04.2005 passed in O.S.No.40 of 1998 on the file of Principal Junior Civil Judge, Kakinada. Therefore, I feel that appointment of Advocate Commissioner for the same purpose is not necessary.

6. Hence, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

15th June, 2018

sj

