

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.3300 of 2018

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 25.02.2017 passed by the learned IX Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.529 of 2015 in O.S.No.1568 of 2009. The said I.A. was filed by the petitioner herein, the plaintiff in the suit, under Order 26 Rule 9 CPC seeking appointment of an Advocate Commissioner to demarcate the suit schedule plot in Sy.Nos.102, 110, 111 and 122 of Almasguda Village with the assistance of the Survey Department officials. By the order under revision, the trial Court opined that the application was premature and left it open to the petitioner-plaintiff to file an application in the event the ambiguity in respect of the location of the suit schedule plot remained after adducing of evidence.

It is significant to note that the order under revision was passed as long back as on 25.02.2017. This Court is informed that the trial in the suit concluded sometime in April, 2018. In the event the petitioner-plaintiff was of the opinion that the ambiguity still remained after the completion of the trial, it was always open to him to file a fresh application taking advantage of the liberty granted by the trial Court. Instead of doing so, the petitioner-plaintiff surprisingly filed this revision petition in June, 2018, before this Court.

Though Sri Goli Viplav Reddy, learned counsel for the petitioner-plaintiff, would contend that the trial Court is going by the Advocate Commissioner's report in an earlier suit, Sri Vedula Srinivas, learned counsel for the respondents-defendants, would point out that the trial Court specifically recorded in para 14 of the order under revision that the

said Advocate Commissioner's report was not helpful in ascertaining as to whether the suit schedule plot was located in the specific survey numbers of Almasguda Village, as per the claim of the petitioner-plaintiff.

The civil revision petition is accordingly dismissed leaving it open to the petitioner-plaintiff to move an appropriate application before the trial Court, if he so chooses, in the light of the liberty granted by the trial Court in the order under revision.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

10th August, 2018
PGS

JUSTICE SANJAY KUMAR

