

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.3734 OF 2017

ORDER:

The Application, in E.A.No.212 of 2015 in E.A.No.47 of 2014 in E.P.No.52 of 2007 in M.C.No.185 of 2011, filed by the petitioner, invoking Order 26 Rule 9 of Civil Procedure Code, for appointment of an Advocate Commissioner to inspect the E.P. schedule property, to note down the physical features such as measurements all sides and note down the boundaries and survey number, in which property is situated and to submit the report, is dismissed by the learned Principal District Judge, Anantapuramu, by an order dated 22.06.2017. Challenging the same, present Civil Revision Petition is filed.

2. Learned counsel for the petitioner reiterated the contentions raised in the affidavit filed in support of the E.A.No.212 of 2015, asserting that the petitioner is the absolute owner of the petition schedule property and respondents 2 to 7 are no way concerned with the schedule property and further asserts that the 1st respondent is trying to bring the property for sale, which does not belong to the respondents 2 to 7. It is further submitted that the survey number is sub-divided into 63-3, wherein the residential house bearing Door No.1-750-A built by her vendor and there is total change with measurements and boundaries as seen in the E.P. and are not at all tallied with the measurements at present on land. Therefore, the petitioner filed a petition seeking appointment of an Advocate Commissioner to inspect the E.P. schedule property, to note down the physical features of the subject property and to submit the report, which will be helpful to the Court to

arrive to a just conclusion with regard to the identity of the property.

3. Having considered the respective submissions, the Court below recorded the following decision:-

“4. As seen from the record, it is the contention of the petitioner that the boundaries of E.P. schedule properties are different. That her property is being sold in execution. This claim, the petitioner has to establish by leading oral and documentary evidence. The prayer sought by the petitioner is in fact to appoint an Advocate Commissioner to gather evidence for the petitioner which is not tenable under law. Therefore, the relief sought cannot be granted.”

4. The above reasoning of the Court below hardly requires any reconsideration as there being no error either under law or on fact. Accordingly, the Civil Revision Petition is dismissed. No costs.

5. Miscellaneous petitions pending, if any, shall also stand dismissed.

Dated:19.01.2018.

CHALLA KODANDA RAM, J

Ssv