

THE HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

+ CRP.No.3963 of 2018

%10-08-2018

#Kunja Bhaskar

... Petitioner

Vs.

\$ Korsa Mallaiah

... Respondent

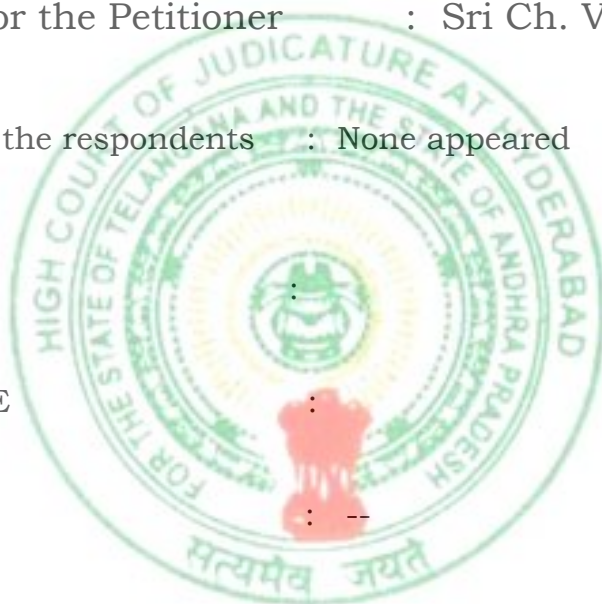
! Counsel for the Petitioner : Sri Ch. Venkat Raman

^Counsel for the respondents : None appeared

<GIST

>HEAD NOTE

? CITATIONS



HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**CIVIL REVISION PETITION No.3963 of 2018****ORDER :**

This Civil Revision Petition, under Article 227 of the Constitution of India, is preferred against the order dated 06.06.2018 in I.A.No.347 of 2017 in O.S.No.165 of 2013 passed by the Principal Junior Civil Judge, Kothagudem, Khammam District, dismissing the application filed for appointment of Advocate-Commissioner to measure the land within the boundaries of Plot No.10 in Sy.No.816 of Nehru Nagar, Paloncha.

The petitioner is defendant and the respondent is plaintiff in the suit O.S.No.165 of 2013. For the sake of convenience, the parties are referred to as they were arrayed in the suit before the Court below.

The plaintiff filed aforesaid suit for perpetual injunction. In the said suit, the defendant filed an application in I.A.No.347 of 2017 under Order XXVI Rule 9 r/w. Section 151 of C.P.C., seeking appointment of an Advocate-Commissioner to measure the land within the boundaries of Plot No.10 in Sy.No.816 of Nehru Nagar, Paloncha. On consideration of the evidence and the material on record, the Court below dismissed the said application through the impugned order

dated 06.06.2018. Aggrieved by the same, the defendant has preferred the present Civil Revision Petition.

Heard learned counsel for the petitioner/defendant and perused the material on record.

Learned counsel for the defendant submits that the defendant may be permitted to get the above said land measured by a Government Surveyor and submit report before the Court below during the course of his evidence.

Having regard to the facts and circumstances of the case, though this Court is not inclined to differ with the order passed by the Court below in dismissing the application filed by the defendant, the defendant is at liberty to get the subject land measured by a Government or Licensed Surveyor on his own and submit his report before the Court below during the course of his evidence.

With the above observation, this Civil Revision Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

10.08.2018.

NOTE: L.R. Copy be marked.
(B/O)
Msr

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No.3963 of 2018



10.08.2018
Msr