

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.4578 OF 2017

O R D E R :

The Civil Revision Petition is filed against the order dated 06.04.2017 passed in IA.No.112 of 2017 in OS.No.368 of 2009 wherein and whereby the Court below dismissed the application filed by the petitioner under Order 26 Rule 9 and Section 151 CPC to appoint an Advocate Commissioner to note down the physical features of the plaint schedule property and existence of drainage, drawing of drinking water and existence of Electrical Generator in the suit schedule property.

Heard learned counsel for the petitioner who submits that appointment of Advocate Commissioner is very much necessary to note down the physical features of the suit schedule property, but, the Court below without considering the said aspect, dismissed the application holding that the similar IA filed by the petitioner, earlier, seeking the same relief was not pressed.

On the other hand learned counsel for respondents submits that the suit is of the year 2009, that when the suit is coming for trial, instead of leading evidence, the petitioner/plaintiff filed the present application.

It is to be seen that as on today the petitioner has not lead any evidence except filing this application. Let the petitioner lead evidence first, and then make application.

Granting the above liberty, the CRP is disposed of. No order as to costs.

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

A.RAJASHEKER REDDY, J

24.01.2018
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