

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.5350 OF 2017

ORDER:

Assailing the order, dated 20.06.2016, passed in I.A.No.971 of 2015 in O.S.No.120 of 2010 on the file of Senior Civil Judge, Peddapuram, wherein an application filed by the petitioner/defendant No.1 to appoint an Advocate Commissioner to note down the physical features of the suit schedule property and prepare a rough sketch was rejected, the present revision petition came to be filed under Article 227 of the Constitution of India.

2. Heard learned counsel for the petitioner.

3. Respondent No.1/plaintiff filed the aforesaid Suit seeking permanent injunction restraining the petitioner/defendant No.1 and respondent Nos.2 and 3 herein/defendant Nos.2 and 3 and their men from interfering with her peaceful possession and enjoyment over the suit schedule property. In the said Suit, the present I.A. came to be filed by the petitioner/defendant No.1 to appoint an Advocate Commissioner to note down the physical features of the suit schedule property. A counter came to be filed by respondent No.1/plaintiff opposing the application. After hearing both the parties, the trial Court, vide its order under challenge, rejected the request of the petitioner.

4. It is to be noted that the Suit is of the year 2010 and the Interlocutory Application is of the year 2015. Further, the order impugned was passed in the year 2016 and the present revision petition is filed in the year 2017 i.e., one year after passing of the impugned order. The case is at the stage of arguments. There is no explanation from the petitioner as to why he kept quiet for a period of one year after passing of the impugned order. Only after the case is posted for arguments, the present application is filed. Having regard to the above, I feel that it is not a fit case to interfere with the order under challenge.

5. Accordingly, the Civil Revision Petition is dismissed leaving it open to the petitioner to avail the remedy at any other stage.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

February 02, 2018
MD