

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CRP.No.5553 of 2018

Date:28.09.2018

Between.

Kurakula Padma,

W/o Satya Rao and five others.

.....Petitioners

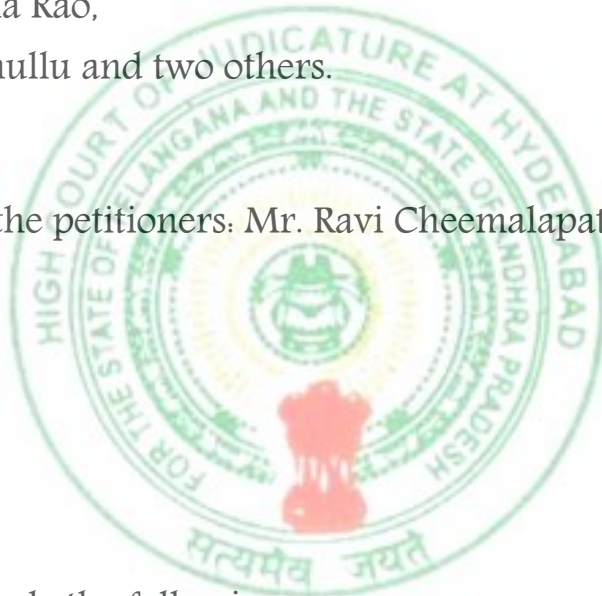
And.

Chenna Rama Rao,

S/o Late Demullu and two others.

.....Respondents

Counsel for the petitioners: Mr. Ravi Cheemalapati



The Court made the following;

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Civil Revision Petition is filed against order, dated 08.6.2018, in I.A.No.301 of 2018 in O.S.No.292 of 2010 on the file of the VI Additional District and Sessions Judge, Mahila Court, Visakhapatnam.

The petitioners filed the afore-mentioned suit for declaration of title and recovery of possession of the suit schedule property admeasuring Ac.1-03 cents out of Acs.6.40 cents in Survey No.194 of Peddipalem Village, Anandapuram Mandal, Bheemunipatnam Sub-Registry, Visakhapatnam District. After the trial was completed, the petitioners filed I.A.No.301 of 2018 under Order-XXVI Rule-9 read with Section-151 C.P.C. for appointment of an Advocate-Commissioner. The said application having been dismissed by the lower Court, they have filed this Civil Revision Petition.

After hearing Mr. Ravi Cheemalapati, learned counsel for the petitioners, I am of the opinion that the Civil Revision Petition is liable to be dismissed for three reasons, viz., (1) that being the plaintiffs, the burden lies on the petitioners to prove their case with reference to the documents and they cannot seek to shift this burden to the Advocate-Commissioner, (2) that as rightly pointed out by the lower Court, when Survey No.194

comprises larger extent than the extent claimed by the petitioners, the owners of the remaining extent may not co-operate with the survey and measurement of the land; and (3) that the petitioners cannot be permitted to move an application of this nature after closure of their evidence.

For the above-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, I.A.No.1 of 2018 filed for interim relief is dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

28th September, 2018

DR