

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.7039 of 2018

29.11.2018

Between:

K.Varalakshmi and others

..Petitioners

and

Sai Balaji Constructions, Visakhapatnam and another

..Respondents

Counsel for the petitioners: Mr.V.V.N.Narayana Rao

Counsel for respondent No.1: Mr.Y.V.Srinivasan
for Mr.K.Chidambaram

Counsel for respondent No.2:--

The Court made the following:



ORDER:

This civil revision petition is filed against order, dated 29.09.2018, in I.A.No.885 of 2018 in O.S.No.354 of 2011 on the file of learned VI Additional District Judge-cum-Sessions Judge, Mahila Court, Visakhapatnam.

2. I have heard Mr.V.V.N.Narayana Rao, learned counsel for the petitioners, and Mr.Y.V.Srinivasan, learned counsel representing Mr.K.Chidambaram, learned counsel for respondent No.1.

3. In the suit filed by respondent No.1 for specific performance of agreement of sale, the Court below has appointed an Advocate Commissioner for noting down the physical features of the suit schedule property vis-à-vis the gradients of the neighbouring plots and also the number of columns and such other physical features as may be necessary to effectively adjudicate the veracity of the rival contentions of the parties.

4. The learned counsel for the petitioners has vehemently argued that in a suit filed for specific performance of agreement of sale, there is absolutely no need to appoint an

Advocate Commissioner as entitlement of respondent No.1 to the decree does not depend upon the physical features of the site, the identity of which is not in dispute.

5. No doubt, the abovementioned submission of the learned counsel for the petitioners is some what appealing. The learned counsel, however, has failed to explain the prejudice that may be caused to the petitioners by the appointment of the Advocate Commissioner and his submitting the report. While exercising the supervisory jurisdiction, this Court would not interfere with the illegal or irregular order unless such order causes prejudice to the interests of the opposite party. As the petitioners failed to plead and prove such prejudice, I am not inclined to interfere with the order of the Court below.

6. The Civil Revision Petition is, accordingly, dismissed.

7. As a sequel to dismissal of the C.R.P., I.A.No.1 of 2018 filed by the petitioners for interim relief stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

29th November, 2018
GHN

