

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.6044 of 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, assailing the order dated 03.10.2017 passed in I.A. No.848 of 2015 in O.S. No.4 of 2015 on the file of the Court of XIII Additional District Judge, Narasaraopet.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the respondent Nos.1 to 5 herein filed O.S.No.4 of 2015 against the petitioners and respondent Nos.6 and 7 herein, for declaration and recovery of possession of the suit schedule property. Before framing of the issues, the petitioners filed I.A.No.848 of 2015 under Order XXVI Rule 9 of CPC for appointment of advocate commissioner to inspect the suit schedule property. After giving reasonable opportunity to both parties, the trial Court allowed the petition. Hence, the revision.

4. At the time of arguments, learned counsel for both the parties submitted that the impugned order may be set aside with liberty to respondent Nos.1 to 5, who are the plaintiffs, to file similar application at the appropriate stage of the proceedings. In view of the submission made by both the counsel, this Court is not inclined to go into merits of the main case.

5. In the result, the civil revision petition is allowed, setting aside the order dated 03.10.2017 passed in I.A. No.848 of 2015.

Consequently, I.A.No.848 of 2015 in O.S. No.4 of 2015 on the file of the Court of XIII Additional District Judge, Narasaraopet shall stand dismissed. However, it is made clear that allowing of this revision does not preclude respondent Nos.1 to 5-plaintiffs to file similar application at the appropriate stage of the proceedings. Miscellaneous petitions, if any pending in this revision shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.10.2018
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