

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P. No.6248 OF 2017

ORDER : (Oral)

Vide the present petition, the petitioner has challenged the order dated 01.09.2017 passed in I.A.No.924 of 2011 in A.S.No.24 of 2010 on the file of the Senior Civil Judge, Bapatla.

2. On a perusal of the impugned order, in para-7, the learned trial Court has recorded as under :

“7. Perused the entire material available on record. It is an admitted fact that the petitioner got appointed the advocate commissioner in the trial Court for inspection of schedule properties and the said petition was allowed and the advocate commissioner visited the schedule property accordingly, he noted down the physical features of the schedule property. The petitioner again filed another application to appoint the advocate commissioner for measuring the respective portions of both parties after due enquiry, the said petition was dismissed. When a revision was preferred against the said order the Hon'ble High Court of A.P. was pleased to dismiss the revision petition. However, it can be said that it is not at all a ground to refuse appointment of Advocate Commissioner at this appellate stage.”

3. It is established from the aforesaid para that the petitioner/plaintiff has moved similar application before the Senior Civil Judge, Bapatla, under Order XXVI Rule 9 CPC and Section 151 of CPC to measure the respective portions of both parties i.e., A, B and Plot 'C'. The first application was allowed and consequently the Advocate Commissioner inspected the schedule properties and filed his report on

record by noting down the physical features of the schedule property. Thereafter, the petitioner filed another application before the Court below for the same relief and the same was dismissed. Being aggrieved, he preferred CRP No.730 of 2009 before this Court and the same was also dismissed vide order dated 07.08.2009.

4. Since I.A.No.924 of 2011 has been filed for the same purpose, the learned Court below has rightly dismissed the same, therefore, I find no illegality or perversity in the order 01.09.2017 passed in IANo.924 of 2011 in A.S No.24 of 2010 by the Court below.

5. Finding no merit in the instant petition and the same is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

Date : 09-03-2018
Gvl