

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1216 OF 2019

ORDER:

This civil revision petition is filed challenging the order dated 23.04.2019 in I.A.No.409 of 2019 in O.S.No.2515 of 2009 of the Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar. The said application was filed by the petitioners/plaintiffs to summon the Advocate-Commissioner for the purpose of marking his report dated 10.04.2018. This application was filed when the main suit was coming up for arguments. The Court below dismissed it by the impugned order stating that the Advocate-Commissioner's report has become part of the suit record and there is no need to summon him to give evidence. Challenging the same, this revision is filed.

Having regard to Order 26 Rule 10(2) of the Code of Civil Procedure, 1908, which specifically states that the report of the commissioner and the evidence taken by him should be evidence in the suit and forms part of the Court record, it cannot be said that the Court below committed any error in dismissing I.A.No.409 of 2019 since there is no necessity to summon the Advocate-Commissioner to mark his report.

Therefore, the civil revision petition is dismissed at the admission stage. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall also stand dismissed.

M.S.RAMACHANDRA RAO, J

Date:22.05.2019
GJ

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