

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1927 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 11.06.2019 passed in I.A.No.12 of 2019 in O.S.No.90 of 2018 by the Senior Civil Judge, Narayanpet, wherein the Advocate Commissioner was appointed to note down the physical features of the suit schedule property.

2. Heard the learned counsel for the revision petitioner and perused the record.

3. Learned counsel for the revision petitioner would contend that the impugned order dated 11.06.2019 is erroneous. The Court below ought not have appointed Advocate Commissioner to note down the physical features of the suit schedule property at the time of framing of issues. It is collection of evidence and it is a premature one and ultimately prayed to set aside the impugned order and dismiss the said I.A.

4. The impugned order reveals that an Advocate Commissioner was appointed to note down the physical features of the suit schedule property. Recording of the physical features of the suit schedule property would not amount to collection of evidence. Therefore, it cannot be said that the Court below ought not have appointed Advocate Commissioner at the time of framing of issues. Under these circumstances, the Court below has rightly exercised its jurisdiction vested therein and did not commit any illegality in passing the

impugned order. The revision petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed at the admission stage. No order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 25.09.2019
ssp

