

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2653 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendants, challenging the order, dated 09.08.2019, passed in I.A.No.252 of 2019 in O.S.No.124 of 2006, by the Principal Junior Civil Judge at Sircilla, whereby, the petition filed by the petitioners/defendants under Section 151 of CPC requesting the Court below to inspect the suit land, was dismissed.

2. Heard the learned counsel for the petitioners/defendants and perused the record.

3. The learned counsel for the petitioners/defendants would contend that the order under challenge is erroneous. The advocate commissioner appointed to inspect the suit land had submitted his report without making local inspection of the suit land. Hence, the subject interlocutory application was filed requesting the Court below to inspect the suit land. The Court below erroneously dismissed the said application and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. In the given circumstances, one cannot force the Court to inspect the suit schedule property. The Court below, assigning number of reasons, was pleased to dismiss the subject interlocutory application. The order under challenge is not

perverse. The Court below did not commit any illegality in passing the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal, shall stand closed.

14th November, 2019
Bvv

Dr. SHAMEEM AKTHER, J

