

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2513 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 12.09.2019 passed in I.A.No.71 of 2019 in O.S.No.138 of 2012 by the Additional Junior Civil Judge at Sircilla, Rajanna Siricilla District, wherein the Court below allowed the application filed by defendant No.2 to appoint Advocate Commissioner.

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

3. Learned counsel for the revision petitioner would contend that appointment of Advocate Commissioner to note down the physical features of the suit schedule property amounts to collection of evidence that too before commencement of trial. He would also contend that the Court below ought not to have allowed such an application and prayed to dismiss the impugned order.

4. In view of the facts and circumstances of the case, the appointment of Advocate Commissioner would not amount to collection of evidence. It is nothing but placing the requisite material relating to subject matter of the suit for proper and just adjudication which helps to come to a just conclusion. The Court below had rightly exercised its jurisdiction vested therein. There is no infirmity or perversity in 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. No costs.

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

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Dr. SHAMEEM AKTHER, J

Date: 31.10.2019  
ssp

