

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1507 OF 2019

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendants aggrieved by the order dated 27.12.2018 passed in I.A.No.44 of 2018 in O.S.No.101 of 2017 by the Principal Junior Civil Judge at Sathupally, whereby the application filed by the revision petitioners/defendants under Order XXVI Rule 9 read with Section 151 of CPC, seeking to appoint an Advocate Commissioner to record the physical features of the petition schedule property was dismissed.

2. Heard both sides and perused the record.
3. Learned counsel for the revision petitioners/defendants would contend that discussion and conclusions in the impugned order are in favour of the revision petitioners. However, inadvertently, the subject Interlocutory Application was dismissed and ultimately prayed to allow the civil revision petition as prayed for.
4. The aforesaid submission is supported by the findings and the conclusions reached by the Court below in the impugned order dated 27.12.2018.
5. Under these circumstances, the impugned order dated 27.12.2018 passed in I.A.No.44 of 2018 in O.S.No.101 of 2017 by the Principal Junior Civil Judge at Sathupally, is set aside and I.A.No.44 of 2018 is restored to file, for disposal afresh in accordance with law afresh.

6. The Civil Revision Petition is disposed of accordingly.

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

No costs.

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Dr. SHAMEEM AKTHER, J

Date: 09.01.2020

ssp

