

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 2419 OF 2019

ORDER:

Order dated 16.11.2018 passed by the learned Junior Civil Judge, Metpalli in I.A.No.14 of 2018 in O.S.No.34 of 2015 appointing an Advocate Commissioner to make spot inspection of the suit schedule land of the petitioner and the respondents, to fix boundaries with the help of Mandal Surveyor or any skilled licensed surveyor and to ascertain any encroachment into the subject land and to file a report, is challenged before this Court on the ground that such appointment is unauthorized and illegal, particularly, in a suit for injunction.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner filed the above said suit against the respondents-defendants restraining them along with their henchmen from interfering with his peaceful possession and enjoyment over the suit schedule property.

As the suit is filed for injunction simplicitor, the burden lies on the petitioner to prove his right and possession over the suit schedule property. Strangely, the respondents-defendants filed the afore-stated I.A. seeking to appoint an Advocate Commissioner to verify their suit schedule agricultural property and the suit land. At any rate, the report of the Advocate Commissioner cannot be the basis to determine who is in possession of the property. Further, the prayer in the I.A. is

vague and unmeaningful and the relief granted is in total variance with the prayer sought by the respondents. Therefore, the order under Revision is totally illegal and unauthorized.

In those circumstances, the Civil Revision Petition is allowed and the order under Revision is set aside.

Consequently, miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:20.02.2020

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The petitioner herein is the plaintiff in the above said suit, which was filed for perpetual injunction. Therefore

and note down the physical features of the suit schedule property