

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.2849 of 2019

ORDER:

This civil revision petition is filed against the order dated 16.10.2019 passed in I.A.No.454 of 2019 in O.S.No.424 of 2013 on the file of II Additional Junior Civil Judge, Karimnagar.

Heard learned counsel for the petitioner and the learned counsel appearing for respondents 1 and 2.

It is a case where the petitioner filed an application seeking to appoint an Advocate Commissioner, ostensibly for fixing boundaries to survey the entire extent of land in Survey No.701/A, 701/B and 701/C of Veditra Revenue village, with the assistance of Mandal Surveyor.

It is to be noted that the suit is for bare injunction alleging that the respondents are encroaching the suit schedule land. The learned trial Judge had taken into consideration of the admission of the petitioner/plaintiff to the effect that respective parties are in possession of the lands and cultivating their respective areas as per their entitlement, especially within their boundaries and within the ridge, had found that appointing an Advocate Commissioner would serve no purpose, apart from recording a finding that the application is made at a belated stage.

The suit being of the year 2013, at this belated stage, there is no requirement of an advocate commissioner being appointed; more particularly, on account of the evidence adduced, appointing an advocate commissioner does not serve any other special purpose; that too, in a bare injunction suit. Therefore, the dismissal of the I.A. cannot be found fault with.

Accordingly, the civil revision petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

CHALLA KODANDA RAM, J

20th February, 2020

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