

APHC010110932020



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CIVIL REVISION PETITION NO: 762/2020

Between:

1. SANAGANA RAJESWARI, W/O. TATARAO, AGED 40 YEARS, OCC.
HOUSE WIFE, R/O. D.NO. 2-12, PRAKASARAOPALEM VILLAGE,
NALLAJERLA MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. TANGELLA RAMBABU, S/o. Suryanarayana, Aged 46 years, R/o.
D.No. 285, Prakasaraopalem Village, Nallajerla Mandal, West
Godavari District.

...RESPONDENT

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the order dated 04-11-2019 passed in I.A. No. 1202 OF 2019 in C.S. No. 459 OF 2019 on the file of the Court of the II Additional Junior Civil Judge, Tadepalligudem in the interest of justice and pass

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated 04-11-2019 passed in I.A. No. 1202 OF 2019 in O.S. No. 459 OF 2019 on the file of the Court of the II Additional Junior Civil Judge, Tadepalligudem pending disposal of the above revision petition and pass

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Extend the interim order dated 28-07-2020 in CRP. No. 762 of 2020, in the interest of justice and pass such further order or

Counsel for the Petitioner:

1.RAMBABU KOPPINEEDI

Counsel for the Respondent:

1.K CHIDAMBARAM

ORDER:

1. The petitioner is aggrieved by the order passed in I.A.No.1202 of 2019 in O.S.No.459 of 2019. The learned II Additional Junior Civil Judge, Tadepalligudem, had allowed the I.A. filed by the defendant in the suit seeking appointment of an Advocate Commissioner for determining the extent of land held by the petitioner and the corresponding survey number. It is the case of the defendant that the petitioner, under the guise of referring to the plaint schedule property as land situated in R.S.No.249, is attempting to occupy the defendant's property situated in R.S.No.240/2. It is the case of the respondent that the respondent had purchased land admeasuring Ac.146 square yards vide a registered sale deed dated 07.04.2017 in R.S.No.240/2.

2. It is submitted by the learned counsel for the petitioner that the petitioner had already filed an application seeking appointment of an Advocate Commissioner for noting down the physical features of the suit schedule property. It is submitted that the Advocate Commissioner had submitted a report after visiting the suit schedule property. It is further submitted that the defendant in the suit has now filed another application seeking appointment of another Advocate Commissioner for determining the existence and location of the suit schedule property, and whether the same exists in R.S.Nos.249 or 249/2. In order to ascertain the same, the Advocate Commissioner was also directed to take the assistance of the Mandal surveyor. Upon filing of an application, the learned Judge allowed the I.A. and appointed the Advocate Commissioner.

3. It is submitted that the defendant ought to have filed objections to the report submitted by the Advocate Commissioner and, if found necessary, cross-examined the Advocate Commissioner. It is further submitted that, without filing any objections to the report submitted by the Advocate Commissioner appointed at the instance of the plaintiff, the defendant could not maintain another application seeking appointment of an Advocate Commissioner.

4. The learned counsel appearing for the respondents submits that the petitioner sought appointment of an Advocate Commissioner only for determining the physical features of the property, and since the petitioner claimed that he was running a hotel therein, and the Advocate Commissioner was appointed to ascertain the same. It is submitted that the dispute could be put to rest if a Mandal Surveyor determines the exact location of the plaintiff schedule property, as the petitioner is claiming property of the defendant under the guise of referring to the same as falling under R.S.No.249.

5. Heard the learned counsel for petitioner and the learned counsel appearing for respondent.

6. The Advocate Commissioner appointed pursuant to the application filed by the plaintiff was appointed only for the purpose of noting down the physical features of the plaintiff schedule property. The Advocate Commissioner, after executing the warrant, duly submitted the report noting down the physical features of the plaintiff schedule property. However, the

report does not specify the survey number in which the plaint schedule property is actually located. As seen from the affidavit filed by the respondent seeking appointment of an Advocate Commissioner, the specific plea of the respondent is that the dispute with regard to the location of the plaint schedule property can be ascertained only by appointing an Advocate Commissioner who shall conduct a survey with the assistance of Mandal Surveyor.

7. On these considerations, the learned Judge allowed the I.A. No valid grounds are made out for interfering with the order passed by the learned II Additional Junior Civil Judge, Tadepalligudem. The scope of the Advocate Commissioner appointed in I.A.No.1202 of 2019 is entirely different and cannot be linked with the scope of the Advocate Commissioner who submitted the report pursuant to the order by the Court in I.A.No.1165 of 2019.

8. On these grounds, the present Civil Revision Petition stands dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:23.04.2026

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THE HONOURABLE SRI JUSTICE HARINATH.N

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Date: 23.04.2026

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