

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.:C.R.P.No.814 of 2023

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01.	27.03.2023	<u>RC,J</u> <u>C.R.P.No.814 of 2023</u> Notice before admission. Learned counsel for the petitioner is permitted to take out personal notices to the respondents through Registered Post with Acknowledgement Due and file proof of service in the Registry. Post on 17.04.2023. <u>RC,J</u> <u>I.A. No.1 of 2023</u> Learned counsel for the petitioner submits that earlier the petitioner/plaintiff filed O.S. No.540 of 2016 on the file of Principal Senior Civil Judge, Kakinada for declaration of title and recovery of possession. In the said suit, the plaintiff filed Interlocutory Application for appointment of a new Advocate Commissioner and the same was dismissed. Aggrieved by the same, a C.R.P. No.6429 of 2018 was filed and this Court has allowed the said revision and thereby, an Advocate Commissioner was appointed	

		and he executed the warrant and also filed a report. The Advocate Commissioner as well as Mandal Surveyor were examined in the said suit as P.W.5 and P.W.6. In spite of that, the present I.A. No.160 of 2022 has been filed by the defendants, once again to appoint an Advocate Commissioner and the said application was allowed erroneously, thereby the Advocate Commissions warrant is re-entrusted to the same commissioner i.e., Sri G.V.S.Vinayaka Rao with a direction of measuring the extents of land claimed by both the parties with reference to the sale deeds relied on by them, with the assistance of Mandal Surveyor by following the procedure established under law. In spite of bringing the above facts to the notice, the Court below failed to see that Advocate Commissioner & Surveyor were already examined as witnesses and in such circumstances, re-entrustment of warrant is unsustainable. Taking into consideration the submissions of the learned counsel for the petitioner and the grounds raised in the Revision, <i>prima facie</i>, this Court finds that there is point for consideration in the Revision Petition and in the meantime if the suit is decided, the purpose of filing this Revision Petition will be defeated and the petitioner will be adversely affected. As such, this Court is inclined to grant the following interim order:	
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		There shall be stay of all further proceedings in O.S. No.540 of 2016 on the file of Principal Senior Civil Judge, Kakinada, for a period of six (06) weeks.	
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MH/MVK

RC,J