

ITEM NO.24

COURT NO.6

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).1065/2024

(Arising out of impugned final judgment and order dated 07-11-2023 in CRP No.2662/2022 passed by the High Court for the State of Telangana at Hyderabad)

BODIGA LAXMAIAH & ORS.

Petitioner(s)

VERSUS

ILAVONI CHINNA JANGAIAH @ JANGAIAH & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 16-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. P. Mohith Rao, Adv.
Mr. P. Venkata Ramana, Adv.
Mr. K. Pradeep Reddy, Adv.
Mr. Muppu Ravinder, Adv.
Ms. J. Akshitha, Adv.
Mr. K. Sai Teja, Adv.
Ms. Ankita Gupta, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Dama Seshadri Naidu, learned Senior Counsel appearing for the petitioners.

The petitioners/plaintiffs' application for appointment of Advocate Commissioner to determine the boundary of the suit land was rejected by the Trial Court and the rejection order is upheld by the High Court, under the impugned order. The High Court opined that since the evidence of P.W.1 and other witnesses of the plaintiffs are not concluded, the appointment of an Advocate Commissioner to survey the property, will cause prejudice to the

parties and it may also amount to collection of evidence on behalf of one of the litigating parties.

Looking at the above basis of the impugned order, we see no reason to entertain the SLP, and the same is, accordingly, dismissed.

However, this order will not foreclose the option of the petitioners/plaintiffs to make application at an appropriate stage, after conclusion of the evidence in the case.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(KAMLESH RAWAT)
ASSISTANT REGISTRAR