

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CIVIL REVISION PETITION No.4895 OF 2011

ORDER:

-

This Civil Revision Petition is preferred by the petitioner challenging the order, dated 31-10-2011, in I.A. No.68 of 2011 passed in I.A. No.67 of 2010 in L.A.O.P. No.3 of 2010 by the Principal Senior Civil Judge, Kurnool.

2. The impugned I.A. is filed by the petitioner under Section 151 of the Code of Civil Procedure, seeking to restore I.A. No.67 of 2010 and to execute the warrant by the Advocate Commissioner and to file the report into the Court. By the impugned order, the trial Court dismissed the said I.A. Challenging the same, the present revision is filed.

3. Learned counsel for the petitioner submitted that the trial Court allowed the I.A., preferred by the petitioner, for appointment of an Advocate Commissioner and also directed to pay fee to him within the stipulated time; that the petitioner, due to unavoidable circumstances, could not pay the fee within the stipulated time and also not in a position to cooperate with the Advocate Commissioner for execution of the warrant and hence, the trial Court set aside the order of appointment of Advocate Commissioner. He further submitted that the petitioner filed the present application seeking to restore the I.A., through which the Advocate Commissioner was appointed by informing the Court that he is ready to pay the costs imposed by the trial Court towards appointment of the advocate commissioner.

4. Upon hearing the learned counsel for the petitioner and after perusing the record, this Court is of the view that the petitioner can be

given one more opportunity. Hence, the impugned order is set aside and the trial Court is directed to direct the Advocate Commissioner to visit the property in question, to note down the physical features available at the suit locality and also to note down the incidental points that were brought to his notice at the time of inspection and to file the report into the Court.

5. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous petitions, if any, filed in this Revision Petition shall stand closed.

RAJA ELANGO, J

February 29, 2012.
CTL