

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

CIVIL REVISION PETITION NO.2923 OF 2015

Between:

Smt. Manjula Venkayamma
... Petitioner

and

Smt. Kambhampati Syamala
... Respondent

SUBMITTED FOR APPROVAL:

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DATE OF JUDGMENT PRONOUNCEMENT : 11th AUGUST,
2015

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. | Whether His Lordship wishes to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.2923 OF 2015

ORDER

This Civil Revision Petition arises out of the order dated 08.05.2015 passed by the learned Junior Civil Judge, Chintalapudi, West Godavari District, in I.A.No.120 of 2015 in O.S.No.80 of 2011. The said IA was filed by the defendant in the suit under Order 18 Rule 18 CPC asking the Court to inspect the plaint schedule property for the purpose of ascertaining as to who was in possession and to note down the physical features. By the order under revision, the trial Court dismissed the IA. Aggrieved thereby, the defendant is before this Court under Article 227 of the Constitution.

The suit, O.S.No.80 of 2011, was filed by the respondent herein for a permanent injunction against the petitioner/defendant. While so, the subject IA was filed by the defendant stating that her eldest daughter was in physical possession of an extent of Ac.0.15 cents out of the plaint schedule property and that she had ownership rights thereto. She therefore sought that the Court should undertake an inspection to ascertain the physical features and to verify who was in actual physical possession. The trial Court opined that the petitioner/defendant was trying to collect evidence through the Court and accordingly dismissed the IA.

Order 18 Rule 18 CPC empowers the Court, at any stage of the suit proceedings, to inspect the suit property concerning which any

question may arise. The power under this provision of law is essentially to be exercised by the Court on its own impetus. Significantly, the petitioner/defendant did not claim that any question had arisen in the context of which the Court could have entertained a doubt whereby exercise of power under Order 18 Rule 18 CPC was necessitated. The petition filed by the petitioner/defendant was therefore utterly misconceived in its very inception and the order passed by the trial Court holding to that effect does not warrant interference on any ground.

The Civil Revision Petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

11th AUGUST, 2015

PGS