

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION No.2625 of 2014

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the II Additional Junior Civil Judge, Chittoor in I.A. No.268 of 2014 in O.S. No.609 of 2007 dated 07.07.2014.

The petitioners herein are the defendants in the Suit and the petitioners in the I.A. They filed I.A. No.268 of 2014 to summon the Tahsildar, Penumur Mandal to depute one of his subordinates to give evidence. The petitioners sought production of the records relating to petition schedule property which they claimed was assigned in favour of their maternal uncle.

The petition schedule property is an extent of Ac.3.38 cts of land in Sy. No.34/3 of Penumur Revenue Mandal, Nanjarapalli Revenue village. Its boundaries are on the East: land of T Venkataswamy and his brothers, West: land of J. Peddabba and T. Venkataswamy and his brothers, North: land of J. Gundamma and J. Rajendra, and South: land of Ramamoorthy and Kalakari Revenue lands. The suit schedule property, as is evident from the plaint, is of an extent of Ac.3.00 cts of land in Sy No.32/5 and Ac.0.07 cts of land in Sy. No.233/2 with the following boundaries: East: land of T Venkataswamy, West: land of J. Peddabba, North: Kalikiri lands, South: Lands of Gundamma and J. Rajendra.

The Court below was justified in coming to the conclusion that the land referred to in the petition schedule, was different from the land referred to in the Suit schedule, and in consequently rejecting the petitioner's request that the Tahsildar and his subordinates be summoned to produce the records. As the petition schedule is different from the suit schedule, both with regards the survey numbers where they are located and its boundaries, the order of the Court below does not suffer from any patent illegality necessitating interference in proceedings under Article 227

of the Constitution of India. The Civil Revision Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date: 06.03.2015

MRKR