

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.2237 OF 2014

AND

C.R.P.NO.2238 OF 2014

COMMON ORDER :

C.R.P.No.2237 of 2014 arises out of order in I.A.No.578 of 2010 in O.S.No.292 of 2007 filed for receiving additional documents, whereas C.R.P.No.2238 of 2014 arises out of order in I.A.No.579 of 2010 in O.S.No.292 of 2007 filed to recall PW.1 and reopen the evidence of the plaintiff.

The petitioner is the plaintiff in the suit. The suit is filed for perpetual injunction against the defendants in respect of the agricultural land in an extent of Ac.0.15 Gts in Survey No.454 and Ac.0.15 Gts in Survey No.455 situated at Gandhinagar Village of Suryapet Mandal within the specified boundaries. The trial was completed and the suit was posted for arguments. At that stage, the petitioner filed the above applications on the ground that he got true copy of enquiry report of Mandal Revenue Inspector, Suryapet, on his application and order of Tahsildar, the Mandal Revenue Inspector visited the suit land within boundaries of the suit schedule property and made enquiry. In his report, he confirmed that the suit survey number of the plaintiff's land to an extent of Ac.0.30 gts is within the boundaries as in Survey Nos.221 and 222 of Pillalamarri Revenue Village limits with an extent of Ac.0.15gts each, but the survey numbers were wrongly recorded as 454 and 455 instead of correct Survey Nos.221 and 222. Therefore, he sought to file the report of the Mandal Revenue Inspector dated 16.02.2010 and to receive the same as additional document and to recall PW.1 for the purpose of marking the said documents.

The respondents/defendants filed a counter stating that on 02.05.2013 the plaintiff filed the application before the District Collector, Nalgonda for rectification of entries in respect of Survey Nos.454 and 455 to be rectified as 221 and 222 of Gandhinagar, Hamlet of Pillamari Village, which is subject

matter of the suit. The District Collector, Nalgonda ordered the Tahsildar, Suryapet to enquiry into the matter and report. The Tahsildar, Suryapet filed a report vide his proceedings dated 15.03.2012 while directing the plaintiff to approach civil Court for redressal. There is no value to the so called report of the revenue authority dated 16.02.2010 said to be filed by the plaintiff. The defendants also stated that the documents sought to be filed by the plaintiff are not relevant to the above suit.

The trial Court after considering the rival contentions and hearing the arguments of the counsel for the parties dismissed the applications on the ground that the documents are subsequent to the filing of the suit and the evidence was closed.

The suit was filed in the year 2007 and both parties adduced oral and documentary evidence. The suit was filed in respect of the property situated in Survey Nos.454 and 455 and the defendants do not have any property in the said survey numbers. The suit for injunction has to be decided based on possession of the parties as on the date of filing of the suit and the documents which are obtained subsequently have no relevancy for disposal of the suit. The trial Court has rightly dismissed the applications filed by the plaintiff and there is no error of jurisdiction warranting interference of this Court.

The civil revision petitions are accordingly dismissed. There shall be no order as to costs.

Pending miscellaneous petitions in these revision petitions, if any, shall stand dismissed in consequence.

A.RAMALINGESWARA RAO, J

27.03.2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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C.R.P.NO.2238 OF 2014

DATE: 27.03.2015

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