

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

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CIVIL REVISION PETITION No.2617 of 2015

BETWEEN

P. Srinivasulu.

... PETITIONER

AND

Smt. P. Renuka and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 21.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

Petitioner is aggrieved by the order dated 16.06.2015 dismissing I.A.No.350 of 2015 in O.S.No.113 of 1998.

2. Petitioner had filed the present application seeking stay of final decree proceedings on the ground that the commission warrant schedule and boundaries are wrong and without amending the warrant schedule and boundaries, the division of suit property as per the preliminary decree is not possible.

3. It appears that the Commissioner was appointed, who went to the site to execute the warrant but returned the warrant on the ground that there are bushes and thorns on the schedule property and unless they are removed, it is not possible to survey the property and execute the warrant.

4. Firstly, the commission warrant has to be in conformity with the preliminary decree and cannot be amended. Secondly, the final decree proceedings have to await the report of the Commissioner. Hence, it is appropriate that the Court below re-entrusts the commission warrant to the Advocate Commissioner for execution after removal of obstructions from the suit schedule property and after the report of the Commissioner is received, the Court below shall consider the final decree proceedings further. The request of the petitioner seeking to stay the final decree proceedings is also premature inasmuch as there is no report of the Advocate Commissioner before the Court below, hence, the final decree proceedings, in any case, cannot be passed at this stage.

The civil revision petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

July 21, 2015
DSK

VILAS V. AFZULPURKAR, J