

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

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CIVIL REVISION PETITION No.2026 of 2015

Between:

Smt.Yelamanchali Satyavathi.

....Petitioner

and

Smt.Vakada Jayalakshmi.

....Respondent

JUDGMENT PRONOUNCED ON : 16.12.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

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

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.2026 of 2015

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ORDER:

The plaintiff in O.S.No.417 of 2009 on the file of the learned I Additional Junior Civil Judge, Rajahmundry, East Godavari District, is the petitioner herein. The said suit was filed for permanent injunction restraining the first defendant from constructing the first floor adjoining the eastern boundary of the plaintiff by violating the permission and approval from the second defendant and also in violation of the building rules by causing obstruction of free flow of air and light to the plaintiff's property. When the evidence of the plaintiff was going on, she filed I.A.No.1601 of 2014 seeking summoning of two witnesses on her behalf,

and the said application was dismissed by the lower Court by order dated 10.03.2015. Challenging the same, the present Civil Revision Petition is filed.

In support of the application, the petitioner herein stated that, earlier she filed the chief affidavit of P.W.4, by name Kanumujji Ranga Babu, a Mason. But, now he is not cooperating to face the cross examination. She also wanted the summons to be issued to one Sri P.B.Prasad, Municipal Licensed Surveyor, who mediated the suit subject matter subsequent to the filing of the suit. No counter affidavit was filed by the respondents.

After hearing the petition, the same was dismissed on the ground that the reason for not producing P.W.4 for cross examination was not shown in the affidavit filed in support of the application, and with regard to the Municipal Licensed Surveyor, he was a mediator subsequent to the filing of the suit. Ultimately, the Court came to the conclusion that the alleged mediation is not relevant for adjudicating the dispute between the parties in a suit for relief of permanent injunction.

Since the Court has exercised its discretion in the facts and circumstances of the case in the light of the relief sought in the suit, this Court is not inclined to interfere with the same.

The Civil Revision Petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.12.2015
vs