

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No. 2515 OF 2015

ORDER:

This revision, filed under Article 227 of the Constitution of India, assails the order dated 28.04.2015 passed by the Court of the Junior Civil Judge, Kanigiri, in I.A.No.403 of 2015 in I.A.No.1161 of 2011 in O.S.No.162 of 2011.

2. Heard Smt. A.Varalakshmi, learned counsel for the petitioners and Sri K. Sarva Bhouma Rao, learned counsel for the respondents, apart from perusing the material placed before the Court.

3. The plaintiffs/respondents herein instituted O.S.No.162 of 2011 on the file of the Court of the Junior Civil Judge, Kanigiri, Prakasam District, for permanent injunction in respect of plaint schedule property, admeasuring Ac.0.30 cents situated in Survey No.522/2 of Kanigiri Village and Mandal, Prakasam District. In the said suit, the plaintiffs filed I.A.No.1161 of 2011, seeking temporary injunction. The defendants/petitioners herein filed I.A.No.403 of 2015 in the said injunction application, praying the Court below to issue summons to the Tahsildar, Kanigiri, to produce documents and give evidence. The plaintiffs/respondents herein opposed the said application by filing counter. The learned Junior Civil Judge, Kanigiri, by an order dated 28.04.2015, dismissed the said application filed by the defendants/petitioners herein.

4. Calling in question the validity and legal sustainability of the order dated 28.04.2015 passed by the learned Junior Civil Judge in I.A.No.403 of 2015, the present revision came to be filed.

5. It is contended by the learned counsel for the defendants that the order passed by the learned Junior Civil Judge is erroneous, contrary to law and vitiated by material irregularities. It is also the submission of the learned counsel that had the learned Junior Civil Judge considered the affidavit filed in support of the application from proper perspective, the order impugned would not have emanated. It is also the submission of the learned counsel that if the present application is allowed, the plaintiffs would not suffer any loss.

6. On the contrary, it is contended by the learned counsel for the plaintiffs that there is no illegality or any material infirmity in the impugned order, and as such, the same is not amenable for any judicial scrutiny by this Court under Article 227 of the Constitution of India. It is the further submission of the learned counsel for the respondents that since the Court below assigned valid and convincing reasons for dismissal of the application, the contentions of the learned counsel for the defendants herein cannot be sustained.

7. A perusal of the order passed by the Court below vividly discloses that at paragraphs 6 and 7, the learned Junior Civil Judge assigned categorical and valid reasons for dismissal of the application. The learned Judge also observed that there is no proof to show that in spite of due diligence, the defendants failed to secure the relevant documents from the competent authority. The learned Judge also observed that there is no mention in the application as to whether the application was made by the defendants for certified copies of the documents.

8. It is the settled and well-established proposition of law that unless the orders impugned suffer from patent perversity and fundamental infirmity, the jurisdiction of this Court under Article 227 of the Constitution of India is not available. This Court does not find any such errors in the orders passed by the Court below.

9. For the aforesaid reasons, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the revision shall stand dismissed.

A.V.SESHA SAI, J.

9th October, 2015

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