

PRADESH

Civil Revision Petition No.2747 of 2015

Pulugu Chadnra Rao

And

...Respondent

SUBMITTED FOR APPROVAL:

	Yes/No
1. <u>Whether Reporters of Local newspapers may be allowed to see the Judgments?</u>	

2	Whether the copies of judgment may be marked to Law Reports/Journals	Yes/No
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3	Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?	Yes/No
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Answer:

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THE HON'BLE SRI JUSTICE R.KANTHA RAO

Civil Revision Petition No.2747 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner.

2. The petitioner is the defendant in the suit. The respondent-plaintiff filed O.S.No.247 of 2011 against the petitioner for recovery of an amount of Rs.3,91,079/-. It is submitted that before conducting the auction of leasehold rights, the extent of land was shown as Ac.11.75 cents in the publication, but the actual extent of land is only Ac.09.60 cents on ground. He came to know about the same after getting yield for the first crop. He orally informed the same to the respondent/plaintiff. The plaintiff stated that he would look into the same later and take necessary steps to reduce the maktha, but the plaintiff did not take any steps. Knowing the above facts, the plaintiff filed the suit claiming arrears of damages for the entire Ac.11.75 cents only to harass the petitioner to have unlawful gain. Under these circumstances, the petitioner filed I.A.No.473 of 2015 requesting the Court below to appoint a commissioner for the purpose of measuring the land and the respondent herein filed his counter and on hearing both sides, the learned Court below dismissed the petition. Against the said order, the petitioner filed the present revision petition.

3. The learned counsel appearing for the petitioner submits that while the matter is pending, the trial Court disposed of the suit, eventually the civil revision petition became infructuous. However, the learned counsel makes a submission that the petitioner is going to prefer an appeal against the judgment of the Court below and in the said appeal, he wants to file an application for appointment of commissioner for the above said purpose.

4. Under these circumstances, the revision petition is dismissed as infructuous. However, the petitioner is at liberty to file a petition seeking appointment of commissioner in the appellate Court and in the event of such filing an application in the appeal by the petitioner, the appellate Court is

directed to consider and dispose of the same in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, filed in this revision shall stand closed.

Date:07.08.2015
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R.KANTHA RAO, J

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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Date:07-08-2015

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