

HONOURABLE SRI JUSTICE A. V. SESA SAI

CIVIL REVISION PETITION Nos. 4763 AND 4799 OF 2013

DATED 5TH FEBURARY, 2015.

BETWEEN

Syed Mohiuddin

...Petitioner in both CRPs

And

Kasarla Venkat Ramana Reddy and ors

...Respondents in both CRPs.

HONOURABLE SRI JUSTICE A. V. SESA SAI

CIVIL REVISION PETITION Nos. 4763 AND 4799 OF 2013

COMMON ORDER:

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Since these two revisions arise out of one suit, this Court deems appropriate to dispose of these two revisions by way of this common order.

The petitioner herein filed O.S.No.37 of 2010 on the file of the Court of learned Judge, Family Court-cum-Additional District and Sessions Judge, at Karimangar for declaration of title and perpetual injunction in respect of the plaint schedule property. In the said suit, the petitioner herein filed I.A.Nos.626 and 755 of 2013. I.A.No.626 of 2013 was filed under Order 26 Rule 9 read with Section 151 Code of Civil Procedure for appointment of an Advocate Commissioner to observe the physical features of schedule property and to note down the boundaries. I.A.No.755

of 2013 was filed under Order 26 Rule 14 (2)(3) read with Section 151 Code of Civil Procedure to reject the Commissioner's Report and to issue a second commission by appointing the Assistant Director, Survey and Land Records, Karimnagar as Commissioner to measure the land in Sy.Nos.836 and 837.

When the matters are called to day, it is brought to the notice of this Court that the main suit i.e. O.S.No.37 of 2010 was dismissed by the Court below on 10.10.2014 and as against the same, an appeal in A.S.No.516 of 2014 was preferred and the same is pending. In view of the same, a request is made by the learned Counsel for the petitioner to permit the petitioner herein to avail remedy under the provisions of Section 105 and Order 43 Rule 1(A) of Code of Civil Procedure. This Court considered the said request as reasonable and acceptable.

For the aforesaid reasons, these Civil Revision Petitions are dismissed, giving liberty to the petitioner to avail remedy as available under the provisions of Section 105 and Order 43 Rule 1(A) of Code of Civil Procedure.

Miscellaneous petitions pending consideration if any in these Civil Revision Petitions shall stand closed in consequence. No order as to costs.

JUSTICE A.V. SETHA SAI

DATED 5TH FEBRUARY, 2015.
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