

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.1629 of 2015

-

Dated 05th June, 2015

Between:

Kondaveeti China Veeraiah and another

...Petitioners

And

Nutalapati Anjayya

...Respondent

Counsel for the petitioners: Ms.M.Manju Shah

for Sri Sreenivasa Rao Velivela

Counsel for the respondents: ---

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 06.03.2015, in I.A.No.407 of 2015 in O.S.No.107 of 2011, on the file of the learned Senior Civil Judge, Mangalagiri.

The respondent filed the above-mentioned suit for declaration of title in respect of the suit schedule property which is situated in Survey No.205. It is the case of the respondent that the title in respect of Ac.0.90 cents of land in Survey No.205 of Pedaparimi Village was acquired by him from one Smt. Putti Pichamma in

pursuance of an oral exchange between herself and the respondent. Petitioner No.1, who is defendant No.1 in the suit, pleaded that his father late Kondaveeti Peda Chinnaiah was owning an extent of Ac.0.66 cents in Survey No.205 under registered sale deed, dated 20.07.1959, executed by one Parimi Satyanarayana Murthy, and that taking advantage of the mistake relating to survey numbers crept in the said sale deed, the respondent/plaintiff is trying to grab the property. The petitioners have filed I.A.No.407 of 2015 under Order XXVI Rule 10(A) CPC for appointment of Mandal Surveyor, Thullur Mandal, Guntur District to inspect the suit locality, identify and measure the lands based on sale deeds of the years 1928 and 1959. This application having been dismissed by the lower Court, the unsuccessful defendants filed the present civil revision petition.

I have heard the learned counsel for the petitioners and perused the record.

As rightly observed by the lower Court, there appears to be no dispute about the survey number in which the suit schedule property is situated. It is the common case of both the parties that the suit schedule property is situated in Survey No.205. However, it appears it is the case of the petitioners that in the sale deed executed in the year 1959 by the original owner in favour of the father of petitioner No.1, Survey number was wrongly mentioned. As observed by the lower Court, the survey of the land would not in any way solve the problem of the petitioners arising on account of the purported mistake in the sale deed. In the absence of any dispute about the identity of the property, it is unnecessary to hold survey. In this view of the matter, I do not find any legal or jurisdictional error in the order of the lower Court for interference in exercise of this Court's supervisory jurisdiction under Article 227 of the Constitution of India.

The civil revision petition is accordingly dismissed.

As a sequel to disposal of the civil revision petition, C.R.P.M.P.No.2186 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

05th June, 2015

VGB