

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

CIVIL REVISION PETITION NO.3488 OF 2016

DATED:29-07-2016

Between:

Kallubanti Yerrayya
and another

... Petitioners

And

Tipirneni Venkata Rayalu
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Koka Srinivasa Kumar

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.19.2.2016 in C.M.A. No.2 of 2015 on the file the XIII Additional District Judge, Gajuwaka, whereby he has confirmed the order dt.31.08.2015 in I.A. No.388 of 2014 in O.S. No.87 of 2014 on the file of the Junior Civil Judge, Gajuwaka.

For convenience, the parties will be referred to as they are arrayed before the trial Court.

The plaintiffs have filed the afore-mentioned suit for permanent injunction restraining the defendants from interfering with their possession and enjoyment of the suit schedule property admeasuring Ac.0.64 cents in Sy. No.83 of Sanivada Village, Aganampudi in Visakhapatnam District. They have also filed the afore-mentioned I.A. for temporary injunction. They have claimed title and possession over the property through their ancestor one Kallubanti Sanyasi, who obtained a settlement patta. They have, however, admitted that out of the extent of Ac.3.66 cents for which the settlement patta was obtained by Kallubanti Sanyasi, he and his sons, who are the petitioners herein, sold an extent of Ac.3.02 cents to one T. Lavanya Latha under sale deed dt.10.5.1965. The case of the plaintiffs, however, is that the balance extent of Ac.0.64 cents remained with them and that therefore they are entitled to seek injunction in respect of the said property. In support of their plea, the plaintiffs filed Exs.P.1 to P.11. On a thorough discussion of these documents, the trial Court has rendered a finding that none of those documents reflect the possession of the plaintiffs and that on the contrary Ex.R.2 sale deed dt.10.5.1965 clearly shows that an extent of Ac.0.64 cents was acquired by the Government. On the above reasoning, the trial court has dismissed the application by

holding that the plaintiffs failed to prove their possession over the suit schedule property. The lower Appellate Court, on re-appreciation of the evidence, has confirmed the order of the trial Court. Aggrieved by the same, plaintiff Nos.3 and 4 have filed this civil revision petition.

Having carefully considered the reasons assigned by both the Courts below, I do not find any impropriety or procedural illegality or jurisdictional error warranting interference of this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India. The learned counsel for the petitioners submitted that after dismissal of the C.M.A. his clients have secured some documents and that they may be permitted to file the same in the suit. It is needless to observe that if the petitioners have come into possession of any documentary evidence, they shall be free to file an appropriate application before the trial Court and in such an event, the trial Court shall decide the same as per law.

With the above observations, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.4487 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

29-07-2016

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