

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4872 of 2016

ORDER :

This revision is filed under Article 227 of Constitution of India challenging the order passed by the Judge, Family Court-cum-VII-Additional District and Sessions Judge, Medak at Sangareddy, in I.A.No.240 of 2016 in O.P.No.351 of 2015, whereby the application filed under Order XXVI Rule 9 of C.P.C. appointing an Advocate Commissioner for audit of the accounts of the petitioners Society making certain allegations regarding irregularities in maintenance etc.,

2. The petitioners filed O.P.No.351 of 2015 under Section 23 of the A.P. Public Societies Act (for short, 'the Act') to declare that the action of the respondents in interfering with the administration activities of Bharathi Vidyasamithi situated at LIG, Vidya Bharathi High School Ramachandrapuram, Medak District and concerned school activities as illegal, invalid, null and void and consequently direct the respondents and their person(s) in any manner to cause any obstruction in peaceful running Bharathi Vidyasamithi situated at LIG, Room No6, Vidya Bharathi High School, Ramachandrapuram, Medak District and concerned school activities.

3. The relief claimed in the petition is only for limited purpose to declare the action of respondents as illegal and for grant of perpetual injunction. But, the present revision is filed against order of dismissal of petition to appoint an Advocate Commissioner to audit the

accounts, which is beyond relief claimed in O.P.No.351 of 2015 under Section 23 of the Act and it is nothing but granting higher relief than the relief claimed in the petition by petitioners. The trial Court dismissed the said petition for appointment of Advocate Commissioner on various grounds. However, during hearing Sri S. Rahul Reddy, learned counsel for petitioners, sought liberty to file fresh petition withdrawing the petition filed under Order XXVI Rule 9 of C.P.C.

4. As the relief sought for in the revision is beyond the scope of the relief claimed in the main petition, the same cannot be granted. Therefore, the order passed by the trial Court cannot be found fault even otherwise a Advocate Commissioner can be appointed only under Order XXVI Rule 11 or Order XXVI Rule 9 C.P.C.

5. Accordingly, the revision is dismissed at admission stage by granting liberty as prayed for. No order as to costs.

6. Miscellaneous petitions pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

11th November 2016

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