

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.4909 of 2017

Date: 13.10.2017

Between:

Ch.Ravindra Chary S/o late Rajamallu, Aged 45 years,
Occu: Carpenter, R/o. lashkar bazaar, Hanamakonda,
Warangal District and others.

.....Petitioners/
Defendants

and

V.Satyanarayana S/o. Chandramouli, Aged 60 years,
Occu: Govt.Employee, R/o. Mulkanoor (V),
Bheemadevarapally, Warangal District and another.

.....Respondents/
Plaintiffs



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.4909 of 2017

ORDER:

Petitioners herein are defendants in the suit. They filed I.A.No.432 of 2017 on the file of Principal Junior Civil Judge at Warangal, praying to appoint Advocate-Commissioner to measure the suit schedule property i.e, in Sy.No.590/B (old), corresponding to new Sy.No.590/3, with assistance of Government Surveyor.

2. Pleadings made in support of said application would disclose that according to petitioners, they are absolute owners and in possession of the land bearing No.590/B old (new 590/3) to an extent of Ac.3.12 guntas. Out of this Ac.3.12 guntas, Ac.1.06 guntas fell to the share of junior paternal uncle, by name, Ch.Laxmikantham and their share is Ac.2.06 guntas. They further averred that they never converted into house plots, that respondents/plaintiffs are never in possession of suit land and that suit schedule land is open land.

3. Suit is filed praying to grant perpetual injunction restraining the defendants, their men, workmen, etc., from interfering with peaceful possession and enjoyment of plaintiffs over the schedule property. As suit is for perpetual injunction, it is for the plaintiffs to prove their, *prima facie*, title and possession and enjoyment of the land. There is no dispute to the total extent of land, on which claim is set up by plaintiffs and opposed by defendants. Thus, it is not stated as to how the contention of plaintiffs that suit property is converted into the house site plots would alter the position on plaintiffs' claim to possession and to grant injunction in their

favour and would affect the defendants stand opposing the claim of plaintiffs' on possession and enjoyment of entire extent of land.

4. Having regard to the same, I do not see any error committed by the trial court in rejecting the request for appointment of Advocate-Commissioner. Civil revision petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

Date: 13.10.2017
kkm

JUSTICE P.NAVEEN RAO



HON'BLE SRI JUSTICE P.NAVEEN RAO



CIVIL REVISION PETITION No.4909 OF 2017

Date: 13.10.2017

kkm