

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION Nos. 1815 and 2065 of 2017

Date :31.07.2017

Between :

G Venkataiah S/o Yellaiah
71 years
R/o Madikonda, Warangal

Petitioner

And

Pasarugonda Illaiah S/o Ramaiah
75 yrs R/o Nashkal village
Station Ghanpur mandal,
Warangal and others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION Nos. 1815 and 2065 of 2017

COMMON ORDER:

Since the issue raised in these two revision petitions is similar and between the same parties, they are disposed of by this common order.

2. Petitioner herein is plaintiff. He filed O.S. No. 1170 of 2002 on the file of Principal Junior Civil Judge, Warangal seeking permanent injunction against defendants. In the said suit he filed I.A.No. 809 of 2016 under section 151 of CPC to reopen the case to appoint an advocate commissioner to measure and demarcate the land in Survey No.78 of Nashkal village, Station Ghanpur mandal, Warangal district and I.A. No. 810 of 2016 under Order XXVI Rule 9 CPC to appoint an advocate commissioner to measure and demarcate the land in Survey No.78 of Nashkal village, Station Ghanpur mandal, Warangal district. The trial court considered the issue in detail and by separate orders dated 17.2.2017 dismissed the said applications. Hence, these revision petitions.

3. On consideration of the matter in detail, the trial Court noticed that earlier petitioner filed I.A. No. 3717 of 2002 under Order XXVI Rule 9 of CPC to demarcate land in survey No. 78 and the same was dismissed by order dated 4.3.2006 holding that there was no boundary and survey disputes between parties; again petitioner filed I.A. No. 2676 of 2007 under Order XXVI Rule 9 CPC for appointment of advocate commissioner to demarcate land in survey No. 78. On contest said I.A. was also dismissed by order dated 13.12.2007; aggrieved thereby, petitioner preferred C.R.P. No.405 of 2008 and this Court by order dated 20.2.2008 dismissed the same. Thereafter petitioner filed I.A. No. 1266 of 2009 to grant police aid, which was also dismissed by order dated 8.10.2012. Having regard to the above factual background and particularly in view of the fact that the applications to reopen the suit and to appoint advocate commissioner were filed only after the entire evidence was closed, trial Court dismissed the said applications by assigning reasons in support of its decision.

4. As noted by the trial Court, earlier attempts made by the petitioner on the same issue were rejected by the trial Court and confirmed by this Court. Thus, no case is made out by the petitioner to file such applications again, that too after long lapse of time, more so, after closure of evidence. I see no error in the orders under revision warranting interference of this Court. The revision petitions fail and accordingly dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:31.7.2017
TVK

P NAVEEN RAO,J



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