

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.3540 OF 2017

DATED : 10.11.2017

Between :

Yengala Swaroopa W/o.Mruthyunjayam,
Hindu, Aged 53 yrs, Occu : Household,
R/o.H.No.10-6-69, Girmajipet, Warangal

.. Petitioner/Plaintiff

And

Veldi Chakradhar S/o.Sambaiah,
Aged 39 yrs, Occu : Business,
R/o.H.No.12-8-298, Shivanagar,
Warangal -506 001 & others.

.. Respondents/Defendants



This court made the following :

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ORDER :

Heard.

2. Petitioner is the plaintiff. Plaintiff filed O.S.No.425 of 2010 for declaration of title and recovery of possession. While so, plaintiff filed I.A.No.456 of 2015 under Order 16 Rule 1 of Code of Civil Procedure to summon the site plan submitted by Sri V.Chakradhar (1st defendant), for obtaining permission from the Indian Oil Corporation (IOC). Petitioner contended that the suit is for recovery of possession of 399 square yards having purchased through registered sale deed and that the very same land is included in an application submitted for establishing the petroleum retail outlet by the Indian Oil Corporation. If the plan submitted to the IOC is produced, it would give clarity to the Court in deciding the issue involved. This plea of the petitioner was resisted by the respondents. The plea of the petitioner was not accepted and the said application was rejected by the trial Court.

3. Learned counsel for the petitioner sought to contend that the details of encroachment would come to light, if the plan submitted by the 1st respondent to the IOC is produced.

4. A bare perusal of the deposition of the petitioner in cross-examination would disclose that petitioner admitted that in the land purchased by 1st defendant, he had started running petrol bunk and that petitioner has not submitted any objections to the Corporation at the time of establishing petrol bunk. It is also stated in the cross-examination that petitioner could not say which

of the defendants and on which date had encroached and the extent of land in that survey number.

5. When this Court sought clarification, learned counsel for the petitioner could not give satisfactory explanation as to for what purpose the document is sought to be summoned by the petitioner. More so, there are rival claims on the subject property and as noted above, the suit itself is for declaration of title and recovery of possession. The plea of the petitioner that she is the owner; whether the land on which petrol bunk is established is the land which the petitioner is claiming; and that petitioner is entitled for declaration as sought for in the suit and for recovery of possession are matters for consideration in the pending suit.

6. I, therefore do not see any error in the order of the trial Court in rejecting the said application, warranting interference by this Court.

7. Accordingly, the Civil Revision Petition is dismissed.

8. It is made clear that the observations made herein are only for the purpose of considering the revision and do not come in the way of raising respective pleas by the parties in the pending suit. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

10th November 2017
Rds

P.NAVEEN RAO,J