

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.7045 of 2017

Date:22.12.2017

Between.

Chikkala Naidu,

S/o Veerraju Naidu and another.

..... Petitioners

And.

Bali Venkata Rao @ Potti Venkata

Rao, S/o Narasimhulu and eight others.

.....Respondents

Counsel for the petitioners: Ms. D.Sandhya

For Mr. R.A.Chary

The Court made the following;



ORDER.

This Civil Revision Petition is filed by the plaintiffs in O.S.No.118 of 2009 on the file of the II Additional Junior Civil Judge, Bheemunipatnam, feeling aggrieved by order, dated 28.11.2017, in I.A.No.163 of 2017 in the said O.S, to the extent the Court below rejected their request for summoning the Mandal Surveyor, Anandapuram Mandal, to give evidence.

After hearing Ms. D.Sandhya, learned counsel representing Mr. R.A.Chary, learned counsel for the petitioners, I am of the opinion that the order under revision does not suffer from any jurisdictional error for, the Court below has partly allowed the application of the petitioners to the extent of summoning the Advocate-Commissioner, who submitted his report based on the survey conducted by the Mandal Surveyor.

The Court below while rejecting the relief of the summoning the Mandal Surveyor, however, observed that the petitioners have already obtained the documents under the Right to Information Act, 2005 and that the same may be relied upon by them to prove that the Mandal Surveyor's report is incorrect. In addition to this, I am of the opinion that whatever lacunae the petitioners would like to expose from the Surveyor's report could be done by cross-examining the Advocate-Commissioner, who has been summoned on their application.

In this view of the matter, I do not find any reason to interfere with the impugned order of the Court below.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel, CRPMP.No.9054 of 2017 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

22nd December 2017

DRs

