

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P. No.697 OF 2018

ORDER : (oral)

Vide the present petition, the petitioner has assailed the order dated 15.12.2017 passed in I.A.No.1076 of 2016 in I.A.No.192 of 2013 in O.S.No.98 of 1986 on the file of the Additional Senior Civil Judge, Narasaraopet, Guntur District.

2. The aforesaid I.A has been filed by the 1st respondent herein before the Additional Senior Civil Judge, Narasaraopet under Order VI Rule 17 CPC to add the new door numbers in the schedule along with the old door numbers by way of amendment in final decree petition in item Nos.1 and 6 of the petition schedule properties.

3. Learned counsel appearing on behalf of the petitioner submits that the Court below ought to have seen that when the 1st respondent herein who filed Memo on 25.04.2016 stating that the Advocate Commissioner informed him about the variance of boundaries and door numbers in respect of item Nos. 1 and 6 of the schedule property, requested the Court to permit the Commissioner to note the present door numbers and boundaries of items mentioned above. Thereafter, the petitioner has filed her objections. Despite the Court below not passing any orders on the memo, the Advocate Commissioner filed a Memo on 29.07.2016 mentioning the boundaries, measurements and door numbers

of the items No.1 and 6 of the schedule properties. Thereafter, the 1st respondent filed two memos dated 15.09.2016 and 17.10.2016 for withdrawing the earlier two memos and thereafter, he filed I.A No.1076 of 2016 before the Court below only for change of door numbers. The said I.A was allowed by the Court below is not permissible under law.

3. It is not in dispute that the 1st respondent filed petition before the Court below under Order VI Rule 17 CPC to add the new door numbers in schedule along with the old door numbers by way of amendment in final decree petition in Item No.1 and 6 of the petition schedule properties. Based on the fact that this Court passed preliminary decree in A.S.No.1015 of 2000 on 21.12.2012 by setting aside the judgment and decree dated 30.11.1999.

4. In pursuance of the said preliminary decree, the 1st respondent herein filed I.A.No.192 of 2013 before the Court below for passing final decree. Accordingly, the Court has appointed an Advocate Commissioner for dividing the schedule property. Thereafter, the learned Advocate Commissioner executed warrant and submitted his report stating that the item Nos.2 and 5 are useful for partition and item Nos.1 and 6 are not useful for partition. Therefore, the 1st respondent filed I.A.No.371 of 2015 to appoint an Advocate Commissioner for open auction of item Nos.1 and 6 and the said petition was allowed by appointing K. Rama Mohanarao,

advocate as Commissioner to conduct auction. The commissioner visited the property and noticed the changing of door numbers of the property. Door Number of Item No.1 changed to 20-150 from 20-410 and Item No.6 changed to 20-115 from 20-370 by the municipal authorities.

5. It is an admitted fact that the house numbers and door numbers are changed and the certificate issued by the Commissioner, Municipality filed by the 1st respondent showing the old and new door numbers. The old door numbers mentioned in the certificate of Commissioner tallied with the door numbers of the main petition. Therefore, it becomes necessary to replace the new door numbers instead of old door numbers for proper adjudication. Accordingly, the Court below allowed the petition filed by the 1st respondent.

6. Learned counsel for the 1st respondent has relied upon a case reported in **Irruvuru Ramachandra Reddy @ Chandraiah and others v. Koppala Bhushanam**¹ wherein it was held that the identity of property-whenever boundaries of a property tally, any discrepancy as to survey numbers even extent becomes immaterial.

7. In view of the facts recorded above and the legal position, I find no illegality or perversity in the impugned order dated 15.12.2017 passed by the Court below in

¹ 2008 (2) ALT 36

I.A.No.1076 of 2016 in I.A.No.192 of 2013 in O.S No.98 of 1986.

8. Finding no merit in the instant petition and the same is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SURESH KUMAR KAIT, J.

Date : 05-02-2018
Gvl

