

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2663 of 2018

Date: 27.04.2018

Between:

Varadapureddi Sanyasi Rao

.. Petitioner

and

Varadapureddi Venkata Narasayya Naidu
and 4 others

.. Respondents

Counsel for the Petitioner : Mrs.T.V.Sridevi

Counsel for respondent Nos.1 & 2: Mr.K.Rambabu
for Mr.K.S.Murthy

The Court made the following:



Order :

This Civil Revision Petition is filed by the plaintiff in OS.No.24 of 2015 on the file of the Principal Junior Civil Judge, Chodavaram, feeling aggrieved by Order, dated 06.02.2018, in IA.No.499 of 2017 filed in the said suit by defendant Nos.1 and 2 therein.

By the aforementioned order, the Principal Junior Civil Judge, Chodavaram, has allowed the said IA for summoning the District Manager, Andhra Pradesh Civil Supplies Corporation (for short 'the Corporation), Visakhapatnam, to give evidence and to produce the documents such as lease deed of the said godown, stock register and details of the heavy vehicles, which bring loads to the said godown.

Heard Mrs.T.V.Sridevi, learned Counsel for the petitioner, and Mr.K.Rambabu, learned Counsel representing Mr.K.S.Murthy, learned Counsel for respondent Nos.1 and 2.

The petitioner has filed the aforementioned suit for declaration that he is the owner of the plaint schedule property to the extent of 30 feet width east to west and 70 feet length north to south. Respondent Nos.1 and 2 have

filed a written statement with the stands that the width of the plaint schedule property is only 15 feet and not 30 feet; that they have leased out the godown situated beyond 15 feet of the plaint schedule property; and that the part of the plaint schedule property beyond 15 feet is being used as a rasta to reach the godown. In order to prove the width of the plaint schedule property, he sought to examine the District Manager of the Corporation. This Application was allowed by the lower Court.

The learned Counsel for the petitioner submitted that in the context of the pleadings of the parties, there is no need to examine the District Manager and that he has nothing to do with the dispute as to whether the width of the plaint schedule property is 15 feet or 30 feet. She has also submitted that respondent Nos.1 and 2 have not raised any pleading regarding their leasing out the godown to the Corporation and that as the District Manager is not connected with the lease between the parties, he was not a proper witness for being examined.

In my opinion, the lower Court has rightly exercised its discretion in favour of respondent Nos.1 and 2 for

summoning the District Manager. The relevancy or otherwise of his evidence could be a matter for consideration by the lower Court on the information that may be elicited by both parties. It may quite well be that the evidence of the proposed witness may not be of any use at all to respondent No.1 and 2. Once the Court below has exercised its discretion by allowing the application of respondent Nos.1 and 2, unless the petitioner pleads and proves prejudice to his interests, this Court would not interfere with the same. The petitioner failed to plead, much less to prove, any such prejudice having been caused to his interests on account of the Court below exercising such discretion. In this view of the matter, I do not find any reason to interfere with the order of the lower Court.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 27th April, 2018
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