

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.4703 OF 2017

DATED :27.02.2018

Between :

Pinninti Sanjeeva Reddy S/o.Raghava Reddy,
Aged about 57 yrs, Agriculture,
R/o.China Ramancherla Village,
Bachannapet Mandal, Jangaon District & another.
.. Petitioners

And

Gunda Butchaiah @ Bixapathi,
S/o.Yadaiah, Aged about 47 yrs,
Agriculture, R/o.China Ramancherla Village,
Bachannapeta Mandal, Jangaon District.
.. Respondent



This court made the following :

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ORDER :

Heard learned counsel for the petitioners/defendants and learned counsel for the respondent/plaintiff.

2. O.S.No.294 of 2016 was instituted by the respondent/plaintiff on the file of Principal Junior Civil Judge, Jangaon praying to grant injunction against interference by the defendants. Petitioners being defendants filed I.A.No.244 of 2017 under Order 26 Rule 9 of Code of Civil Procedure, to appoint Advocate Commissioner to note down physical features of petition schedule land, localization and to fix boundaries as per registered sale deed.

3. By order dated 31.07.2017, the trial Court dismissed IA.

4. According to learned counsel for petitioners, sale deed would disclose that on the western side property of the petitioners stands. Whereas, in the schedule appended to suit, petitioners described the property on the western side as standing in the name of Warangal Dayosion Society and on that ground the respondent/plaintiff is trying to interfere with possession and enjoyment of property belonging to the defendants.

5. As noted above, suit is for injunction against interference by the defendants in the property belonging to the plaintiff.

6. Learned counsel for the petitioners does not dispute fact that extent of land mentioned in the plaint was sold by the petitioners to the respondent/plaintiff. He also does not dispute the fact that western side of land was sold to Warangal Dayosion Society by the petitioner. It appears in the year 2017 a rectification deed was executed changing the boundaries and extent of land in various survey numbers also sold by the petitioners to Warangal Dayosion Society.

7. Having regard to these facts and issue involved in the suit, the Court below was not inclined to accept the plea of petitioners to appoint advocate commissioner.

8. I do not see any error committed by the Court below in rejecting the application warranting interference by this Court.

9. Civil Revision Petition is accordingly dismissed. There shall be no order as to costs.

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

27th February, 2018
Rds

P.NAVEEN RAO,J

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