

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION NO.1189 OF 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India, assailing the order, dated 08.12.2016 passed in I.A.No.1094 of 2016 in O.S.No.1 of 2010 on the file of the II Addl. District Judge, Karimnagar at Jagtial.

2. Heard the learned counsel for both parties.

3. The petitioner filed I.A.No.1094 of 2016 under Order 16 Rule 1 and 2 CPC to issue summons to the Regional Manager or authenticated person from the office of Regional Manager, Hindustan Petroleum Corporation Limited, Secunderbad to depose evidence. .The respondent filed counter *inter alia* contending that the petition is not maintainable either on facts or under law. The trial Court after affording reasonable opportunity to both parties, dismissed the petition. Hence, this revision.

4. The point for consideration is whether there is any illegality, irregularity or impropriety in the impugned order?

5. A perusal of the record reveals that the respondent filed O.S.No.1 of 2010 on the file of the II Addl. District Judge, Karimnagar against the petitioner for partition of the suit schedule property. After completion of evidence of both sides, the petitioner filed I.A.No.1094 of 2016 under Order 16 Rules 1 and 2 CPC to issue summons to Hindustan Petroleum Corporation Limited officials. The trial Court dismissed the said application.

6. The petitioner and respondent are children of late Eswaraiah. Late Eswaraiah let out vacant site to Hindustan Petroleum Corporation Limited. Both counsel with one voice submitted that the property which was let out to Hindustan Petroleum Corporation Limited is not the subject matter of the suit. Whether the suit schedule property is the ancestral property or self acquired property of Eswaraiah will be decided basing on the oral and documentary evidence available on record. Even if the officials of Hindustan Petroleum Corporation Limited is called for, their testimony would in no way helpful to establish whether the suit schedule property is the ancestral property or the self acquired property of late Eswaraiah. The trial Court considering all these aspects in right perspective dismissed the petition. The trial Court has assigned reasons, much less cogent and valid reasons to its findings. I am fully endorsing with the findings recorded by the trial Court. There is no illegality, irregularity or impropriety in the order passed by the trial Court, which warrants interference of this Court.

7. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending, in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 11-09-2018.
Hsd