

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P. Nos.6213 and 7789 OF 2018

COMMON ORDER:

These two Revisions arise between the same parties out of the same suit and so they are being disposed of by this common order.

2. Petitioners in both these Revisions are plaintiffs in O.S.No.79 of 2010 on the file of the Principal District Judge, Khammam.

3. They filed the said suit for Declaration that they are owners of the suit schedule property and for conduct of a survey by the Revenue Officials to demarcate survey No.232 of Khanapuram Haveli Village and costs.

4. After the petitioners/plaintiffs' side evidence was completed and the matter was posted for the evidence of respondents/defendants, petitioners filed I.A.No.785 of 2018 to reopen the matter and I.A.No.784 of 2018 to appoint an Advocate-Commissioner to conduct survey with the help of the Assistant Director of Survey and Land Records, Khammam.

5. It is stated by the petitioners that the respondents are trying to grab the suit schedule property located in survey

No.232 with the help of some false documents relating to survey No.233, and therefore an Advocate-Commissioner should be appointed to conduct the survey and demarcate the suit schedule property.

6. The Court below rejected both the applications stating that when the final relief was sought for demarcation as a consequential relief to the main relief of declaration, allowing I.A.No.784 of 2018 would amount to granting final relief. Consequently, it dismissed I.A.No.784 of 2018 and 785 of 2018.

7. Challenging the same, these two Revisions are filed.

8. Though counsel for petitioners sought to contend that the orders passed by the Court below are erroneous, in view of the fact that petitioners have sought as main relief in the suit, for conduct of survey by revenue authorities to demarcate survey No.232 of Khanapuram Haveli Village, such relief cannot be granted pending suit in the I.A.No.784 of 2018.

9. When the petitioners are not entitled to the relief of appointment of Advocate-Commissioner, consequently they are also not entitled for reopening of their evidence.

10. I therefore do not find any error of jurisdiction in the orders of the Court below warranting interference of this Court in exercise of its inherent jurisdiction under Article 227 of the Constitution of India.

11. Accordingly, both the Civil Revision Petitions are dismissed. No costs.

12. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

12th March, 2019.

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