

HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.2427 of 2019

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved by the order dt.16.08.2019 in I.A.No.423 of 2019 in I.A.No.1006 of 2017 in O.S.No.672 of 2014 passed by the II Additional Junior Civil Judge, Warangal, dismissing the application filed by the petitioners praying to redirect the Advocate Commissioner to demarcate the suit schedule property.

2. Heard learned counsel for the petitioners and perused the material on record.

3. I.A.No.1006 of 2017 in O.S.No.672 of 2014 is filed by the petitioners praying to appoint an Advocate Commissioner to note down the physical features of the suit schedule property along with details of the construction/structures in the suit schedule property.

4. The suit schedule property is described as AC sheets roofed house bearing G.P. H.No.2-115/A/1 (old), 35-2-115/A/1 (New) with open place denoted by Plot No.4, admeasuring to an extent of 302.50 sq. yards or 252.92 sq. meters comprised in Sy.No.139 within Gram Panchayat, Gopalpur Village, Hanamkonda Mandal, Warangal District.

Acceding to the said prayer, orders were passed on 19.11.2018 appointing an Advocate Commissioner to note down the physical features of the suit schedule property along with details of the construction/structures in the suit schedule property. Accordingly, the Advocate Commissioner has submitted his report. After the report was filed by the Advocate Commissioner, the petitioners have filed I.A.No.423 of 2019 in I.A.No.1006 of 2017 praying to redirect the Advocate Commissioner to fix the schedule property by locating the survey number, whether the suit schedule property is located in Sy.Nos.138 or 139 of Gopalpur Village in accordance with the Revenue records and village map. On due consideration of the submissions of the learned counsel for the respective parties, the trial Court observed that what is now sought by the petitioners is going beyond the scope of original application praying to appoint an Advocate Commissioner to note down the physical features of the suit schedule property and no such relief can be granted.

5. As briefly noted, the prayer sought in I.A.No.423 of 2019 is different from the prayer sought in I.A.No.1006 of 2017. In other words, while basing on their claim on the Work Memo submitted by the petitioners in pursuance to orders in I.A.No.1006 of 2017, the petitioners are seeking different relief in I.A.No.423 of 2019, which is going beyond the relief sought in I.A.No.1006 of 2017. Having taken note of this fact, the

trial Court dismissed I.A.No.423 of 2019, vide order dt.16.08.2019. Therefore, I do not see any error committed by the trial Court in the order dt.16.08.2019 warranting interference by this Court.

6. Accordingly, this Civil Revision Petition is dismissed.

7. Notwithstanding the dismissal of this Civil Revision Petition, since the petitioners claim to have grievance with reference to the localization of the suit schedule property *vis-à-vis* its survey number, it is always open for the petitioners to file appropriate application seeking appropriate relief. If any such application is filed, the trial Court is directed to consider the same objectively, strictly in accordance with law, after affording due opportunity to both parties.

8. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE P. NAVEEN RAO

20.01.2020.
Msr

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