

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3773 OF 2024

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the Order dated 27. 08. 2024 passed in I. A. No.487 of 2024 in O. S. No.1202 of 2024 on the file of the I Additional District Judge, Ranga Reddy district at L. B. Nagar, Hyderabad, and consequently dismiss I. A. No.487 of 2024, with costs throughout, in the interest of justice.

Between:

1. Smt. Nathi Bai Soni, W/o. late Sri Harikishen Soni, Aged about 90 years, house wife, r/o. Plot No. 12, Sri Ram Park, Road No. 8, Banjara Hills, Hyderabad- 500 034
2. Narayana Lala Baheti, S/o. late Sri Lunkaran Baheti, Aged about 77 years, Occ. Retired, r/o. Plot No. 22, Nandgiri Hills, HUDA Layout Road No. 66, Hyderabad.

...Petitioners/Respondents/Defendants

AND

1. Smt. Putta Manemma, W/o. Narsimhulu (died, per LR No. 3)
2. Smt. Putta Bhagyamma, W/o. Narsimha, Aged about 47 years, house wife,
3. Putta Jahangir, S/o. Narsimha, Aged about 40 years, business, Both are. R/o. 7- 4- 61, Gagan pahad village, Rajendra Nagar mandal, Ranga Reddy District,
(Rep. byt their Reg. AGPA. Doc. No. 7053/27,dt 21- 07- 2007 Sri. Vemula Narsimha S/o. Gandaiah,aged about 57 years, Occ Business, R/o. H. No. 4- 56, Kismathpur Village, Gandipet Mandal, Ranga Reddy District,
4. Smt. Anandi Devi, W/o S. P. Loya, Aged about 66 years, Occ House Wife, R/o. 14- 2- 358, Razzakpura, Hyderabad
5. Sri. M. Madhusudhan Rao, S/o. Late M. Jalaya Naidu, Aged about 73 years, Occ Business, R/o. 1 - 10- 124, Ashoknagar, Hyderabad, T. S.

...Respondents/Petitioners/Plaintiffs

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to Order dated 27. 08. 2024 passed in I. A. No. 487 of 2024 in O. S. No. 1202 of 2024 on the file of the I Additional District Judge, Ranga Reddy district at L. B. Nagar, pending the final disposal of the main above CRP.

Counsel for the Petitioner(s): Sri. M. Srinivas

Counsel for the Respondent No.2: Sri E. Madan Mohan Rao, rep. Mr. K. Krishna Mohan

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

Civil Revision Petition No.3773 of 2024

ORDER:

Heard Mr.M.Srinivas, learned counsel for the petitioners and Mr.E.Madan Mohan Rao, learned Senior Counsel representing Mr.K.Krishna Mohan, learned counsel appearing for the respondent No.2. Perused the material available on record.

2. The instant Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India assailing the order dated 27.08.2024 passed in I.A.No.487 of 2024 in O.S.No.1202 of 2022 by the I Additional District Judge, Ranga Reddy District at L.B.Nagar (for short 'the trial court').

3. Vide the said impugned order, the trial court has allowed a petition filed by the plaintiff seeking for the appointment of an advocate commissioner to identify the suit schedule property out of survey Nos.440-331, at Gagan Pahad Village.

4. Learned Senior Counsel appearing along with Mr.M.Srinivas, learned counsel for the petitioners strongly contended that as of now the plaintiffs have not been able to establish before the trial court his title and right over the suit schedule property and without even prima facie establishing the

right and title over the suit schedule property. The plaintiff has moved this petition for appointment of an advocate commissioner which is totally unwarranted and unnecessary at this stage.

5. Having heard the contentions put forth on either side and on perusal of record, this court is of the opinion that the trial court while allowing the said application was of the view that since survey Nos.440 and 331 of Gagan Pahad Village, is a large chunk of land and the suit schedule property is only a small portion of said property, for convenience of all the parties including the court, the identification of the land would give more clarity in the process of proceedings with the suit. In the said process, an application for appointment of advocate commissioner has been allowed at the behest of the petitioner/plaintiff. This Court does not find any substantive prejudice that is going to be caused to the right and interest of the petitioner, particularly, when perusal of the impugned order would clearly reflect that the said report of the commissioner would only for the assisting of the court in deciding of the suit. Further, the trial court has also in its impugned order mentioned a word of caution so far as the advocate commissioner being barred from gathering any evidence either

with regard to the possession or any other aspects related to the suit, which itself goes to show that the conditions/objections which the learned Senior counsel has raised are still to be considered in the course of trial itself. All that has been assigned by appointment of an advocate commissioner is to identify the suit schedule property in the two survey numbers. This Court does not find any merits in the instant revision petition and the instant civil revision petition deserves to be and is accordingly rejected.

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

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

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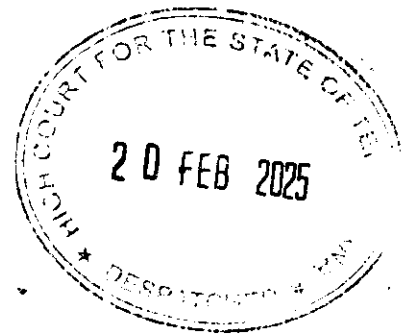
1. The I Additional District Judge, Ranga Reddy district at L. B. Nagar, Hyderabad. (with records if any)
2. One CC to SRI. M.Srinivas Advocate [OPUC]
3. One CC to Sri E.Madan mohan rao, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:13/12/2024

ORDER
CRP.No.3773 of 2024



CIVIL REVISION PETITION IS REJECTED.

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