IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

CIVIL REVISION PETITION NO: 668 OF 2022

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 25/01/2022 passed in I.A.No. 1653 of 2019 in O.S.No. 238 of 2009 on the file of the court of the Principal Junior Civil Judge, Medchal.

Between:

1. K. Amarnath, S/o. Late K. Narasing Rao, Aged about 48 years, Occ: Business R/o. Somaram Village, Medchal Mandal, Ranga Reddy District.
2. K. Pandarinath, S/o.Late K. Narasing Rao, Aged about 43 years, Occ : Business, R/o. Somaram Village, Medchal Mandal, Ranga Reddy District

...Petitioners/Petitioners/Plaintiffs

AND

1. K. Sadananda Reddy, S/o. Narayana Reddy, Age - 60 years, Occ- Business C/o. Kirbe Godowns, Somaram Village, Medchal Mandal, R.R.District.
2. Patwari Goods Pvt. Ltd, Rep. by its Managing Director. Kushal and Roopak. Having its office at Somaram Village Medchal Mandal, Ranga Reddy District.

...Respondents/Respondents

IA NO: 1 OF 2022

Between:

1. K. Amarnath, S/o. Late K. Narasing Rao, Aged about 48 years, Occ: Business R/o. Somaram Village, Medchal Mandal, Ranga Reddy District.
2. K. Pandarinath, S/o.Late K. Narasing Rao, Aged about 43 years, Occ : Business, R/o. Somaram Village, Medchal Mandal, Ranga Reddy District

...Petitioners/Petitioners

AND

1. K. Sadananda Reddy, S/o. Narayana Reddy, Age - 60 years, Occ- Business C/o. Kirbe Godowns, Somaram Village, Medchal Mandal, R.R.District.

2. Patwari Goods Pvt. Ltd, Rep. by its Managing Director. Kushal and Roopak. Having its office at Somaram Village Medchal Mandal, Ranga Reddy District.

...Respondents/Respondents

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 grant stay of all further proceedings in suit O.S.No. 238 of 2009 on the file of the Principal Junior Civil Judge, Medchal, pending disposal of the CRP.

IA NO: 1 OF 2024

Between:

K. Sadananda Reddy, S/o. Narayana Reddy, Age - 79 years, Occ- Business C/o. Kirbe Godowns, Somaram Village, Medchal Mandal, R.R. District.

...Petitioner/Respondent No. 1 in CRP

AND

1. K. Amarnath, S/o. Late K. Narasing Rao, Aged about 65 years, Occ: Business R/o. Somaram Village, Medchal Mandal, Ranga Reddy District.
2. K. Pandarinath, S/o.Late K. Narasing Rao, Aged about 43 years, Occ . Business, R/o. Somaram Village, Medchal Mandal, Ranga Reddy District.

...Respondents/Petitioners in CRP

3. Patwari Goods Pvt. Ltd, Rep. by its Managing Director. Kushal and Roopak. Having its office at Somaram Village Medchal Mandal, Ranga Reddy District

...Respondent/Respondent

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dt. 20-04-2023 as extended from time to time passed in IA No. 1 of 2022 in CRP No. 668 of 2022 and dismiss the CRPs with exemplary costs and grant no such interim order or orders without the petitioner herein being heard in the matter.

Counsel for the Petitioners : Sri. C M R Velu

Counsel for the Respondent No. 1 : Sri V Dyumani

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R. MADHUSUDHAN RAO

CIVIL REVISION PETITION NO.668 of 2022

DATED THE 11th DAY OF DECEMBER, 2025

Between:

K. Amarnath and another

... Petitioners

And

K. Sadananda Reddy and another

... Respondents

ORDER:

1. This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 25.01.2022 passed in I.A.No.1653 of 2019 in O.S.No.238 of 2009 by the learned Prl. Junior Civil Judge-cum-XX Addl. Metropolitan Magistrate, Cyberabad at Medchal.

2. Petitioners herein are petitioners-plaintiffs and respondents herein are respondents-defendants in I.A.No.1653 of 2019 in O.S.No.238 of 2009.

3. Petitioners have filed I.A.No.1653 of 2019 under Order XXVI Rule 9 r/w. Section 151 of CPC to appoint an Advocate Commissioner to note down the physical features of the suit schedule properties and to survey the suit Sy.Nos.13 and 14 with the help of official Surveyor with D.T.S. Equipments and to pass such

other order. Schedule-A property is land admeasuring Ac.0-16 gts., being 20 feet wide strip, with length of 17,220 feet forming part of Sy.No.14 and Schedule-B property is land admeasuring Ac.0-10¼ gts., being 18 feet wide strip forming part of Sy.No.13, both are situated at Somaram village, Medchal Mandal, Ranga Reddy district, with specific boundaries.

4. The affidavit further goes to show that the respondents have damaged the suit schedule properties and conveniently changed the shape and area to grab the same. Advocate Commissioner is necessary to measure the suit schedule properties and the existing private road with the help of Mandal Surveyor.

5. Respondents have filed their counter and contended that the petitioners have no semblance of right or title in Sy.No.14, as already Smt.M. Anasuya, Mr.S.V.S.S.N. Raju and Mr.N. Vijay Nath Raju have executed registered sale deeds in favour of Mr.D. Avanidera Kumar and Mr.D. Papa Rao, who are the own brother and father of Ms.Sulochana, who in turn sold the same to respondent No.1-defendant No.1 and his son Mr.P. Rajeev Kumar, under a registered sale deed bearing document No.7428 of 1985 to an extent of 50% in the suit schedule property-A i.e., of passage one. In the said passage the said Mr.D. Avanidera Kumar and Mr.D. Papa Rao have 50% right, and at no point of time, no transaction has taken place

between the petitioners-plaintiffs and Mr.D.Avanidera Kumar and Mr.D. Papa Rao. Petitioners have intentionally did not file the sketch plan, which is attached to Ex.A-3 and they cleverly removed the same. Respondents have filed Ex.A-5, which is document No.3905. Evidence in the suit is concluded and the matter is posted for judgment on 12.07.2019. The learned trial Court has re-opened the matter on 24.09.2019 for some clarification. Thereafter the present application came to be filed and prayed to dismiss the same.

6. The learned trial Court after going through the material on record has observed that 'the evidence of both the parties was closed on 19.06.2019 and on 22.07.2019 it was reserved for judgment. On 20.09.2019 the suit was re-opened *suo motu* for certain clarification and after four adjournments the present petition is filed. No circumstances are brought on record by the petitioners to show why the petition could not be filed at the earliest stage before the arguments has begun. As there are no exceptional or extraordinary circumstances are made out, dismissed the same.

7. Learned counsel appearing for the petitioners submits that the Court below failed to see that IA was filed on 05.11.2019 but not when the suit was reserved for judgment and also failed to see that no prejudice would be caused to the respondents if an Advocate Commissioner is appointed to ascertain the real facts. Respondents,

during the subsistence of *status quo* order had damaged the property, changed its shape and a petition under Order XXXIX Rule 2A of CPC is pending. Learned trial Court failed to see that the suit schedule properties are passages for the ingress and egress of the lands of the petitioners-plaintiffs and the respondents-defendants have no manner of right, relied on the decisions in the cases of i) Mukund Lal v. Sharada Bai and others[1], ii) Salla Eswaramma v. C. Subba Reddy[2], iii) Varala Ramachandra Reddy v. Mekala Yadi Reddy[3], iv) Kondapally Rajeshwar Rao v. Bura Ellaiah[4] and v) Alladi Prabhakar Rao and others v. Gowlikar Leela Bai and another[5].

8. Learned counsel appearing for the respondents contended that the petitioners have not made out any case for appointment of Advocate Commissioner to note down the physical features of the suit schedule properties with the help of Surveyor and the learned trial Court has properly appreciated the contentions of the parties and rightly dismissed the application. In support of his contentions has relied on the decisions in cases of i) Papasani Sankara Reddy v.

---

[1] 2006 (1) ALT 221
[2] 2009 (2) ALT 59
[3] 2010 (4) ALD 198
[4] CRP.No.2200 of 2019 (2.8.2022) of TSHC
[5] CRP.No.610 of 2022 (6.9.2022) of TSHC

Kandula Hanumantha Reddy and others[6] and ii) G. Ramanaiah v. K. Krishnaiah[7].

9. Petitioners-plaintiffs have filed suit for perpetual injunction restraining the respondents-defendants, their agents, workers, henchmen and any person claiming through them from interfering with their peaceful possession and enjoyment of the same. The suit schedule properties 'A' and 'B' are stated in para No.3.

10. The plaint averments go to show that the respondents-defendants interfered over the suit schedule properties passage on 10.10.2009, thereby the suit came to be filed. Respondents-defendants have filed their written statement contending that the petitioners-plaintiffs have no right or title over the suit schedule properties and they are not entitled for perpetual injunction.

11. Power of the High Court under Article 227 of Constitution of India is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or

---

[6] 2013 (4) ALD 322
[7] 2019 (4) ALD 146

exercising its jurisdiction in a perverse manner (See: K.Valarmathi and Others Vs. Kumaresan – 2025 SCC OnLine SC 985).

12. It is to be noted here that evidence in the suit is concluded and the matter is posted for judgment on 22.07.2019 and the same was re-opened by the learned trial Court on 20.09.2019 for some clarification. Affidavit in I.A.No.1653 of 2019 shows the date as 15.11.2019, whereas petition date is shown as 05.11.2019.

13. The record goes to show that the breach of injunction application is pending before the learned trial Court vide I.A.No.1444 of 2011. An application under Order VI Rule 17 of C.P.C., for amendment of plaint also came to be filed by the petitioners-plaintiffs vide I.A.No.1443 of 2011. The affidavit filed by the petitioners goes to show that the respondents have changed the nature of the suit schedule properties but no material particulars are mentioned in the affidavits that when and at what time the respondents-defendants have changed the suit schedule properties.

14.1 Mukund Lal[1] case is pertaining to construction in violation of sanctioned plan issued by the Municipal Corporation.

14.2 Salla Eswaramma[2] case is pertaining to sugarcane crop raised in the suit schedule property by occupying the footpath.

14.3 Varala Ramachandra Reddy[3] and Kondapally Rajeshwar Rao[4] cases pertains to boundary dispute.

14.4 Alladi Prabhakar Rao[5] case deals with location of pillars raised in the suit schedule property.

15. This Court having gone through the judgments cited by the learned counsel appearing for the petitioners. They are distinguishable from the facts of the present case and thus, the ratio laid down in the above said decisions are not applicable to the case on hand.

16.1 In Papasani Sankara Reddy[6] this Court observed that the application filed for appointment of Advocate Commissioner at a belated stage cannot be entertained.

16.2 In G. Ramanaiah[7] this Court observed that appointment of Advocate Commissioner to note down the physical features of the suit schedule properties, in respect of the perpetual injunction suits, is not permissible.

17. The learned trial Court has observed at paragraph Nos.21 and 22 of its order that the petitioners have not made out any case for appointment of Advocate Commissioner. There is no plan annexed to the application filed by the petitioners-plaintiffs to show the nature

of construction or the property occupied by the respondents-defendants. Further the sketch plan annexed to Ex.A3 is not filed.

18. The powers of the High Court under Article 227 of Constitution of India is limited, it has to be sparingly exercised in cases where errors are apparent on the face of the record. This Court finds no error in the trial Court order.

19. The learned trial Court has properly appreciated the facts of the case and rightly dismissed the application filed by the petitioners-plaintiffs for appointment of Advocate Commissioner, no interference is called for and the Civil Revision Petition deserves no consideration, and the same is liable to be dismissed and is accordingly, dismissed.

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

Interim order/s if any shall stand vacated. Miscellaneous petition/s shall stand closed.

SD/- A. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

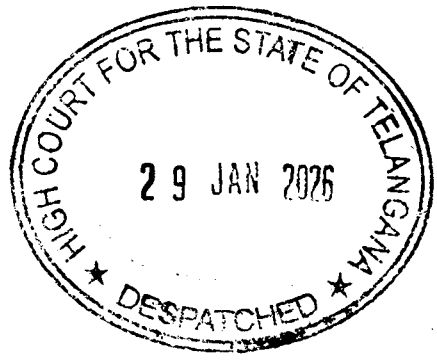
To,

1. The Principal Junior Civil Judge-cum XX Additional Metropolitan Magistrate, Cyberabad at Medchal.
2. One CC to Sri. C M R Velu, Advocate [OPUC]
3. One CC to Sri V Dyumani, Advocate [OPUC]
4. Two CD Copies

DL/PSL

HIGH COURT

DATED:11/12/2025



ORDER

CRP.No.668 of 2022

DISMISSING THE CRP

28/1/26