

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 2764 OF 2025

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 present this Memorandum of Grounds of Civil Revision Petition to this Hon'ble Court, being aggrieved by the order and decree dated 28.07.2025 made in I.A.No.387 of 2025 in O.S.No.61 of 2014 on the file of the Prl. Junior Civil Judge-cum-XIV Addl. Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar.

Between:

V. B. Kondaiah, S/o. Kurmaiah, Aged 50 years, Occ. Business, R/o.H.No.1-4-418/1, Satya Nagar, Kothapet, Hyderabad.

...Petitioner/Petitioner/Defendant

AND

Palle Narsimha Reddy, S/o. late P. Malta Reddy, Aged 52 years, Occ. Agriculture, R/o. Plot No.42, Z.P. High School Road, Hayath Nagar Village and Mandal, R.R. Dist.

...Respondent/Respondent/Plaintiff

IA NO: 1 OF 2025

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 in O.S.No.61 of 2014 on the file of Prl. Junior Civil Judge-cum-XIV Addl. Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar, pending disposal of the main C.R.P.

Counsel for the Petitioner(s):SRI. Narendar Jalli

Counsel for the Respondents: Thoom Srinivas

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P. SAM KOSHY

Civil Revision Petition No.2764 of 2025

ORDER :

The instant Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India assailing the order dated 28.07.2025 in I.A.No.387 of 2025 in O.S.No.61 of 2014 passed by the Principal Junior Civil Judge-cum-XIV Additional Judicial Magistrate of First Class, Ranga Reddy District, at Hayathnagar (**for short, 'the impugned order'**).

2. Heard Mr. Narendar Jalli, learned counsel for the petitioner; and Mr. Thoom Srinivas, learned counsel for the respondent.
3. *Vide* the impugned order, the Court below has dismissed the above I.A. which was filed by the petitioner under Order XXVI Rule 9 read with Section 151 of Civil Procedure Code, 1908, with a prayer to appoint an Advocate-Commissioner to identify / localize the suit schedule property and property belonging to petitioner / defendant, and to distinguish it with the petitioner's schedule of property.
4. Initially, the suit O.S.No.61 of 2014 was filed by the respondent / plaintiff against the petitioner / defendant seeking for perpetual

injunction against the petitioner / defendant in respect of suit schedule property consisting of 252 Sq.Yds. situate in Survey Nos.81 and 115 of Munaganoor Village, Hayathnagar, Ranga Reddy District.

5. The above suit is one which was filed in the year 2014. The pleadings are complete, and trial has also been completed, and the suit itself is in the process of final hearing. It is at this juncture that the above I.A., viz., I.A.No.387 of 2025 in O.S.No.61 of 2014 had been filed by the petitioner / defendant seeking for identification of the suit schedule property with that of the respondent / plaintiff's property. It was this I.A. which was rejected by the Trial Court *vide* the impugned order that led to filing of the instant Civil Revision Petition.

6. Learned counsel for the petitioner contended that appointment of an Advocate-Commissioner had become essential so as to avoid any unwarranted complication since the property of petitioner / defendant is a property adjoining the property of respondent / plaintiff, and therefore the petitioner / defendant cannot be prevented from enjoying the property that is in his exclusive possession. According to him, the respondent / plaintiff is claiming a perpetual injunction on the property that is situate in Survey Nos.81 and 115 of Munaganoor Village, Hayathnagar, Ranga Reddy District, whereas the petitioner / defendant is the owner and possessor of the property that is situated

in Survey Nos.8, 9, 10, 11, 12, 13, 14 and 15 in Survey Nos.80/A. In this connection, learned counsel for the petitioner / defendant referred to the registered sale deed that he had filed in respect of the said properties, and therefore wanted an identification of this property by way of appointment of an Advocate-Commissioner.

7. On the other hand, learned counsel for the respondent / plaintiff, opposing the Revision, contended that the impugned order is perfectly justified in the factual matrix of the case and the same does not warrant any interference whatsoever. He further contended that considering the factual matrix of the case and also the findings given by the Trial Court, no strong case for invocation of extra-ordinary supervisory jurisdiction of this High Court had been made out by the learned counsel for the petitioner / defendant; and therefore, prayed for dismissal of the instant Civil Revision Petition.

8. Having heard the contentions of both parties and also on a perusal of the records, the above I.A., viz., I.A.No.387 of 2025 in O.S.No.61 of 2014, itself had been filed by the petitioner / defendant at a very belated stage when the trial in the above suit had reached at its fag end, i.e., at the stage of final arguments. Secondly, the findings arrived at by the Trial Court would also reflect that, on an earlier occasion, the petitioner / defendant had filed similar I.A., viz.,

I.A.No.97 of 2015, seeking for appointment of an Advocate-Commissioner and the said application was rejected by the Trial Court on 14.09.2015 observing that an attempt was being made by the petitioner / defendant herein for collecting evidence before adjudication of the case.

9. Surprisingly, there has been no challenge to the said order passed by the Trial Court at that point of time, and now the petitioner / defendant has come up with the second application, viz. I.A.No.387 of 2025 in O.S.No.61 of 2014 with the same relief in the same suit which in the opinion of this Court would not be maintainable. Further, no cogent reason had also been assigned by the learned counsel for the petitioner / defendant as to how the above second application would be sustainable in the given factual matrix of the case.

10. For all the aforesaid reasons, this Court is in full agreement with the findings given by the Trial Court while rejecting I.A.No.387 of 2025 in O.S.No.61 of 2014 *vide* the impugned order, particularly for the reason that the above suit is one for perpetual injunction, and therefore in a suit for perpetual injunction the requirement for appointment of an Advocate-Commissioner would not be otherwise required as the nature of evidence required for proving a case of

granting injunction is not to be based on the Advocate Commissioner's report, but on the basic ingredients required for granting of injunction. Therefore, the Civil Revision Petition being devoid of merits deserves to be and is accordingly dismissed. No costs.

11. As a sequel, miscellaneous applications pending if any shall stand closed.

SD/- V KAVITHA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Prl. Junior Civil Judge-cum-XIV Addl. Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar.(with records if any)
2. One CC to SRI. Narendar Jalli, Advocate [OPUC]
3. One CC to SRI. Thoom Srinivas, Advocate [OPUC]
4. Two CD Copies

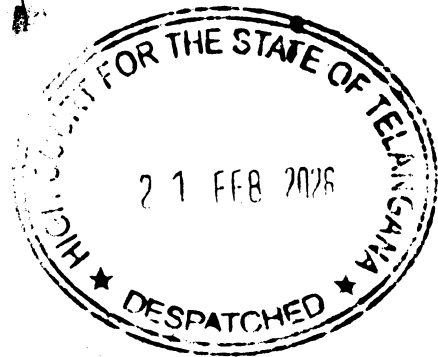
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HIGH COURT

DATED:23/10/2025

ORDER

CRP.No.2764 of 2025



CIVIL REVISION PETITION IS DISMISSED NO COSTS.

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07/02/26
L.S.