IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY ,THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

CIVIL REVISION PETITION NO: 4010 OF 2024

Petition Under Article 227 of the Constitution of India, 1950 aggrieved by the Order dated 13-09-2024 in I.A.No. 312 of 2022 in O.S.No. 903 of 2022 on the file of the Court of the VII Junior Civil Judge, City Civil Court at Hyderabad.

Between:

AP Gems and Jewellery Park Private Limited, Represented by its Authorised Signatory Registered Office at 1st Floor, Trade Fair Office Building, Izzat Nagar, Madhapur, Hyderabad – 500084. **...PETITIONER**

AND

1. People Tech Infracon Private Limited, Represented by its Authorised Signatory Kuchibhotla SubramanyaVivekananda O/o. Plot No. 76, Survey No. 55- 58, Beside Bicycle Club, Lumbini Avenue, Gachibowli, Hyderabad - 500081
2. Dr. K. V Srinivas, S/o. Not known to the Petitioner. R/o. 1- 8- 304 to 307, 4th Floor, Kamala Towers, Patigadda Road, Begumpet, Hyderabad - 500 003
3. ACE Urban Developers Private Limited, Represented by its Authorized Signatory, Office at 4 - Q4, A1, A2, A3 Cyber Towers, Hitec City, Madhapur, Hyderabad - 500081 (Respondents No. 2 and 3 are formal party's)

...RESPONDENTS/ Defendant Nos. 1 & 3

IA NO: 1 OF 2024

Petition under Section 151 of 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. 903 of 2022 filed before the Hon'ble VII Junior Civil Judge, City Civil Court at Hyderabad.

IA NO: 2 OF 2024

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order dated 13. 09. 2024 in I. A No. 312 of 2022 in O.S.No. 903 of 2022 on the file of the Hon'ble VII Junior Civil Judge, City Civil Court at Hyderabad

Counsel for the Petitioner: SRI A. VENKATESH, SENIOR COUNSEL
REPRESENTING SRI B. VISHNU RAO

Counsel for the Respondent No.1 : SRI MIDHUN KUMAR ALLU,
REPRESENTING M/S. VANKINA ALLU AND PARTNERS

The Court made the following ORDER;

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

CIVIL REVISION PETITION No.4010 of 2024

ORDER:

Sri A.Venkatesh, learned Senior Counsel representing Mr. B.Vishnu Rao, learned counsel for the petitioner; and Sri Midhun Kumar Allu, learned counsel representing M/s. Vankina Allu and Partners for respondent No.1.

2. With the consent, finally heard.

3. This civil revision petition filed under Article 227 of the Constitution of India assails the order dated 13.09.2024 passed in I.A.No.312 of 2022 in O.S.No.903 of 2022 on the file of the Court of the VII Junior Civil Judge, City Civil Court, Hyderabad, whereby the application preferred by the respondent No.1/plaintiff under Order XXVI Rule 9 read with Section 151 of the Code of Civil Procedure, 1908, was allowed by appointing an Advocate Commissioner to record the physical features of the suit schedule property.

4. Criticizing the aforesaid order, the learned Senior Counsel for the petitioner/defendant No.2 submits that in view of the order passed by the erstwhile High Court of Andhra Pradesh at Hyderabad in **Arredla Ram Reddy v. Arredla Alivelamma**[1], such a direction should not have been given. Reliance is also placed on paragraph 10 of the impugned order, wherein an observation was made that a careful documentation to protect the rights of the parties is required. It is submitted that the Advocate Commissioner will visit the suit schedule property for the said purpose tomorrow and hence, the matter is urgent.

5. The learned counsel for respondent No.1/plaintiff opposed the same and submits that the observation made in paragraph 10 of the impugned order is of no consequence, because a limited direction was issued to record the physical features of the suit schedule property and capture the pictures. No prejudice would be caused to the other side.

[1] 2004 (5) ALD 388

6. This Court has heard the parties at length.

7. The ultimate direction in the impugned order reads thus:

> "**In the result**, this petition is allowed and ***Ld. Adv Sonali Kulkarni*** is appointed as Advocate Commissioner for the purpose of recording the physical features of the suit schedule property and capture the pictures of the same and file report by 26-09-2024. The fee of the Advocate Commissioner is fixed at Rs.6000/-. Parties shall bear their own costs."

8. It is not the argument of the learned Senior Counsel for the petitioner/defendant No.2 that the impugned order is passed without any authority of law. The scope of interference under Article 227 of the Constitution of India is limited. Interference can be made if the order impugned suffers from any jurisdictional error or palpable procedural impropriety or illegality. Another view is possible, is not a ground for interference. This Court cannot act as a bull in the china shop to interfere on mere asking (see **Shalini Shyam Shetty** v. **Rajendra Shankar Patil**[2]). The

[2] (2010) 8 SCC 329

impugned order is not passed without any authority of law and does not suffer from any error on which interference can be made. The interference is declined.

9. Accordingly, the civil revision petition is **dismissed.** There shall be no order as to costs.

Interlocutory applications, if any pending, shall stand closed.

Sd/- K. AMMAJI,
ASST. REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The VII Junior City Civil Judge, City Civil Court, Hyderabad.
2. One CC to SRI. B. VISHNU RAO, Advocate [OPUC]
3. One CC to SRI VANKINA ALLU, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

HACJ

DATED:07/02/2025

ORDER

CRP.No.4010 of 2024



DISMISSING THE CIVIL REVISION PETITION

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