



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3311]**

WEDNESDAY, THE THIRD DAY OF APRIL  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE MS JUSTICE B S BHANUMATHI**

**CIVIL REVISION PETITION NO: 1995/2023**

**Between:**

Thoti Nanjamma and Others

**...PETITIONERS**

**AND**

Kanamakinda Venkata Lakshmi

**...RESPONDENT**

**Counsel for the Petitioners:**

Ms. D SATYAVATHI

**Counsel for the Respondent:**

Sri SRINIVAS MANCHANAPALLI

**The Court made the following:**

**ORDER:**

This civil revision petition, under Article 227 of the Constitution of India, is filed by the unsuccessful defendants assailing the orders, dated 12.05.2023, of the learned Senior Civil Judge, Punganur, made in CMA.No.1 of 2023 whereby the learned Senior Civil Judge while dismissing the said appeal confirmed the orders, dated 27.02.2023, of the learned Principal Junior Civil Judge, Punganur, made in IA.No.1273 of 2022 in OS.No.324 of 2022 filed under Order 39 Rule 1 of the Code of Civil Procedure, 1908 requesting to grant a temporary injunction restraining the respondents/defendants from interfering with her peaceful possession and enjoyment over the petition schedule property pending disposal of the suit.

2. Heard *Ms. D.Satyavathi*, learned counsel for the revision petitioners/appellants/defendants and *Sri Srinivas Manchanapalli*, learned counsel for the respondent/respondent/plaintiff.

3. The parties in the revision petition shall hereinafter be referred to as plaintiff and defendants for convenience and clarity.

4. The introductory facts, in brief, are:

(a) Gajjala Ranga Reddy is the absolute owner of the property situated in Sy.No.52/18 in an extent of Ac.2.51 cents in Nariganipalle revenue village. He had three sons, namely, Gajjala Papi Reddy, Gajjala Nagireddy and Gajjala Varahala Reddy. After the death of Gajjala Ranga Reddy on 29.03.1972, they partitioned their joint family properties under registered partition deed. Half share in Sy.No.52/18 was allotted to Gajjala Papi Reddy and another half share was allotted to Gajjala Nagireddy, i.e., Ac.1.25 ½ cents in Sy.No.52/18. After the death of Papi Reddy, the plaintiff purchased the suit schedule property of an extent of Ac.1.25 ½ cents from his legal representatives, viz., Gajjala Ramaswamy Reddy, Gajjala Ramakrishna Reddy and Gajjala Vasudeva Reddy, under a registered sale deed, dated 10.11.2010 and took delivery of possession of the property with specific boundaries. Since then, the plaintiff is in exclusive possession and enjoyment of the schedule property. She had also availed crop loan at Primary Agricultural Cooperative Society, Madanapalle. The remaining half share in Sy.No.52/18 belonging to Gajjala Nagireddy situated on the Southern side was purchased by Thoti Munivenkatamma on 08.12.2010 under a registered sale deed. In the said sale deed, boundaries were not shown. Though she purchased half share, she

never took possession and never applied for pattadar pass book and title deed and did not make any effort for mutation of her name in the revenue records. While so, in the month of May, 2020, Thoti Munivenkatamma raised an objection and tried to interfere with the possession and enjoyment of the schedule property by the plaintiff and tried to remove the boundary stones. On 16.05.2020, the Mandal Surveyor visited the properties of both parties and fixed boundary stones and also prepared FMB sketch showing blue marked portion situated on the Northern side of the survey number is in exclusive possession and enjoyment of the plaintiff and the yellow marked Southern side is in exclusive possession and enjoyment of Thoti Munivenkatamma, and the Tahasildar, Ramasamudram has issued an endorsement approving the same and the same has become final. The said Thoti Munivenkatamma died on 12.02.2021 leaving behind the defendants as her legal representatives. While so, when the plaintiff is doing agricultural operations, the defendants tried to interfere with her possession and demanded her to sell her share of property. Under those circumstances, she filed the suit for grant of permanent injunction and also petition for grant of temporary injunction.

(b) The 2<sup>nd</sup> defendant filed counter before the trial Court which was adopted by defendants 1 and 3 to 5. It is contended in the

counter that Southern half share situated in the suit survey number fell to the share of Papireddy being the eldest son and the Northern half share fell to the share of Nagireddy being the younger brother. They further contended that there are no separate ridges or marks on land between the half shares of the parties. They further stated that the boundaries and description of the schedule property shown by the plaintiff are not correct and the Northern boundary of the schedule property belongs to them and not Kanamakinda Sankarappa's land and similarly the Southern boundary belongs to K. Siddappa, K. Ramakrishna and K. Eswaramma, but not the land of defendants and that the plaintiff had intentionally shown wrong boundaries of her half share in order to grab the Northern side half share. Further, the revenue records and documents filed by the plaintiff do not belong to the schedule property but they belong to half share of the Southern side only and the said property was mortgaged to the Primary Agricultural Co-operative Society, but not the petition schedule property. Thus, it is prayed to dismiss the petition.

5. At the time of enquiry before the trial Court no oral evidence was adduced. Exhibits P1 to P13 and exhibit R1 were exhibited.

6. On merits the trial Court granted temporary injunction in favour of the plaintiff restraining the defendants and their men from interfering with the peaceful possession and enjoyment of plaintiff over petition schedule property pending disposal of the suit.

7. The aggrieved defendants preferred the CMA.

8. The learned Senior Civil Judge, Punganur, dismissed the CMA.

9. Hence, the defendants preferred this revision.

10. Now the point for determination is–

Whether the plaintiff made out valid and sufficient grounds and has satisfied the cardinal principles for granting a temporary injunction as prayed for?

11. **POINT**: The petitioners/appellants mainly contended that both the Courts erred in appreciating the evidence and heavily placing reliance on the Surveyor report. The learned counsel for the petitioners/defendants vehemently contended that the original FMB does not contain any division of the property, however, the sketch filed by the Surveyor shows a division, and therefore, the drawing cannot be relied on. She further submitted that the boundaries mentioned by the plaintiff are not tallying, and therefore, there is no *prima facie* case at all. Therefore, she contended that the equitable

relief of temporary injunction cannot be granted as with the strength of such an order, the actual possession of the defendants would be disturbed by the plaintiff.

12. On the other hand, the learned counsel for the respondent/ plaintiff submitted that the survey was conducted in the presence of all parties and no explanation is offered as to how the report of the Surveyor is erroneous and further that the report has not been challenged before any higher authority, and therefore, now it cannot be rejected by merely questioning the same. He further submitted that the very case of the plaintiff is that there is a mistake in the description of the boundaries, and therefore, there is no suppression of facts whereas since the possession of the plaintiff has been proved, the trial Court has rightly granted interim injunction and the same has been confirmed by the appellate Court.

13. (a) The plaint schedule property is shown below:

"Annamayya District – Punganur Sub-District – Ramasamudram Mandal, Nariganaipalle Revenue village.

Sircar dry S.No.52/18, total extent Ac.2.51 cents plaintiff share paiki Ac.1.25 ½ cents

Bounded on

|       |   |                                                                          |
|-------|---|--------------------------------------------------------------------------|
| East  | : | Road leading from Chembakur to Karnataka State border                    |
| West  | : | The land of Thoti Hanumanthu, K. Narasappa, K.Sarnkarappa and K.Nagaraja |
| North | : | The land of Kanamakinda Sarnkarappa and legal heirs of late Papanna      |
| South | : | The land of the defendants"                                              |

(b) In exhibit P1, partition deed, the schedule is shown as below:-

**A-Schedule:**

Chittoor District, Punganur Sub District, Punganur Taluq ,  
Nariganipalle, Nariganipalle Northern side

South : Street  
West : Varalaswamy gudi  
East : B schedule house and site  
North : S.No.30/1

In between these boundaries

East to west 15.541 meters  
North to south 46 yards or meters

**B-Schedule:**

Punganur Taluk, Nariganipalle village

South : Raja veedhi  
West : A schedule  
East : House  
North : S.No.30/1

In between these boundaries

East to West 15 yards or 13.716 meters  
North to south 46 yards or 42.002 meters

**C-Schedule:**

Punganur Taluka Nariganaipalle group Kaspas Nariganipalle village  
northern side

South : Raja Street  
West : B-schedule property  
North : S.No.301  
East : Road of animals to forest (Pasuvala voni)

In between these boundaries

East to West 9 yards or 8.220 meters

North to south 46 yards or 36.516 meters out of this constructed 10  
ankanams ladhu house attached with doors, door frames etc.

**D-Schedule:**

Punganur taluk, Nariganipalle village northern side

|       |   |                                      |
|-------|---|--------------------------------------|
| West  | : | Street                               |
| North | : | Varala swamy devalayam compound wall |
| East  | : | E schedule house                     |
| South | : | Street                               |

In between these boundaries  
East to west 14 yards or 12.802 meters  
North to south 20 yards or 18.288 meters

**E-Schedule:**

Punganur taluk, Nariganipalle village northern side

|       |   |                                     |
|-------|---|-------------------------------------|
| West  | : | D-schedule house                    |
| North | : | Varalaswamy devalayam compound wall |
| East  | : | C schedule house                    |
| South | : | Rajaveedhi                          |

**F-Schedule:**

Punganur Taluk, Nariganipalle village northern side

|       |   |                                     |
|-------|---|-------------------------------------|
| West  | : | E-schedule house                    |
| North | : | varalaswamy Devalayam compound wall |
| East  | : | Street                              |
| South | : | Rajaveedhi                          |

In between these boundaries  
East to west 15 yards or 13.716 meters  
North to south 20 yards or 18.288 meters

(c) The schedule mentioned in the sale deed, dated  
10.11.2010, exhibit P2 is as follows:

Chittoor District, Punganur Sub-District, Ramasamudram  
Mandal, Nariganipalle village Panchayat, Nariganipalle village

1) Sircar Dry S.No.52-3 extent full Ac.0-18 cents bounded by

|       |   |                    |
|-------|---|--------------------|
| East  | : | Land of Papanna    |
| South | : | Land of Sankarappa |

West : Land of G.Krishna Reddy  
North : Road

In between these boundaries, our half share of Ac.0.09 cents.

2) Sircar Dry S.No.52-18 extent Ac.2.51 cents or 0-060  
hectares of land bounded by

East : Road  
South : Land of Siddappagari Siddappa  
West : Land of Hanumanthu Narasappa and  
others  
North : Land of Sankrappa, Papanna and others

In between these boundaries, our half share Ac.1.25 cents.

(d) In exhibit R1, the schedule is shown as below:-

Chittoor District, Punganur Sub-District, Ramasamudram Mandal,  
Nariganipalle village Panchayat, Nariganipalle village  
Dry S.No.52-18 full extent Ac.1.26 cents out of Ac.2.51 cents or 0-  
611 hectares bounded by

East : Land in s.No.53-6, S.No.62  
West : Land in S.No.52-9, 10, 11, 16, 17  
North : Land in S.No.52-5  
South : Land in S.No.51-9, 51-10

In between these the above land in full

14. Admittedly, both the parties agree that originally three sons of Gajjala Ranga Reddy had partitioned their property through a registered partition deed, dated 29.03.1972, which is marked as exhibit P1 as per which Gajjala Papi Reddy has got Ac.1.25 ½ cents and Gajjala Nagi Reddy has got Ac.1.25 ½ cents out of Ac.2.51 cents in Sy.No.52/18 and further that the plaintiff purchased the share of Gajjala Papi Reddy under a registered sale deed marked as exhibit P2, whereas the defendants purchased the share of Gajjala

Nagi Reddy. However, the dispute arose because neither the partition deed nor the sale deeds of the plaintiff or the defendants described the exact boundaries of Ac.1.25 ½ cents each. On the other hand, the sale deeds of both parties contain the boundaries to the total extent of Ac.2.51 cents. There is no identification as to part on which side of Ac.2.51 cents, the property sold under the registered sale deed is located. The trial Court has noted all these details. Further, it has placed reliance on exhibits P10, P11 and P12 which would show that the husband of the plaintiff and his brothers have lands on the Northern side and Western side of the plaintiff schedule property and a reading on exhibits P9 to P13 disclosed that that the plaintiff has been in possession of Northern side portion of Ac.2.51 cents as it was meant for their use to reach the road on the eastern side. The trial Court has further placed reliance on the report of the Mandal Surveyor and observed that the report was also not challenged before the higher authority.

15. Since the relief claimed in the present application is to grant interim injunction pending suit, the cardinal principles to be examined are (i) *prima facie* case; (ii) balance of convenience; and, (iii) irreparable loss. For the purpose of granting the temporary injunction, the trial Court felt *prima facie* case in favour of the plaintiff. The same was upheld by the appellate Court as well. This

Court also does not see any error committed by the trial Court or the appellate Court insofar as appreciation of material evidence placed before the trial Court. As against the evidence of the plaintiff, the defendants have placed only the sale deed marked as exhibit R1. As already noted, it does not reflect which portion of the total extent of Ac.2.51 cents, the property purchased thereunder is located. It cannot strengthen the contention of the defendants that they are in occupation of the disputed property, i.e., which is part of the total extent out of Ac.2.51 cents.

16. After an elaborate discussion of the documents filed by both the parties, the trial Court as well as the lower appellate court have found *prima facie* case in favour of the petitioner/plaintiff. The revision petitioners, except reiterating their contentions before this Court, could not show any illegality or irregularity in the impugned order. Since at this stage, it is only *prima facie* case as set up by the parties and the documentary evidence available before the court, the observations were made and relief is granted in favour of the petitioner, the opportunity for the respondents/defendants is not lost to contest the suit by leading appropriate evidence. Anyhow, the observations made in the order in the interlocutory application have no bearing on the final adjudication as by then elaborate evidence would be available. Thus, there is no merit in

the revision petition. As such, this Court does not see any reason to interfere with the order impugned.

17. Accordingly, the Civil Revision Petition is dismissed.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

03-04-2024  
RAR

**B. S BHANUMATHI, J**