

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.15 OF 2015

ORDER:

The plaintiff in O.S.No.130 of 2013 in the Court of the VII-Additional District Judge (FTC), Krishna at Vijayawada, is the revision petitioner.

The revision petitioner invokes the jurisdiction of this Court under Article 227 of the Constitution of India complaining inaction in disposing of I.A.No.535 of 2014 as causing enormous prejudice to the revision petitioner and the effacing of evidence at the hands of respondents could not be noted down with required promptness.

The revision petitioner filed I.A.No.535 of 2014 for the relief of temporary injunction under Order XXXIX Rules 1 and 2 CPC.

The respondents herein filed counter-affidavit and at present the application is pending consideration by the learned trial Judge. The urgency pointed out is the respondents are proceeding to change the physical feature and construct a full-fledged building when the lis is pending before the Court.

Heard learned counsel for the petitioner and perused the material available on record.

Having perused the material available on record, this Court is of the view that the inaction in disposal of I.A.No.535 of 2014 is likely to cause prejudice to the revision petitioner. The contesting respondents since have already filed counter-affidavit, it is in the fitness of things to direct the learned trial Judge to hear and dispose of I.A.No.535 of 2014 on or before 30.01.2015.

The revision is, accordingly, ordered, as indicated above. There shall be no order as to costs.

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

13th January, 2015

Note:

*Office to communicate the copy of
order Immediately to the Court below.*

Lrkm

C.R.P.No.18 of 2015

Notice before admission.

Learned counsel for the petitioner is permitted to take out
personal notice to respondents by RPAD and file proof of service.

Post the CRP for admission on 23.01.2015.

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C.R.P.No.19 of 2015

Notice before admission.

There shall be interim stay of all further proceedings in
O.S.No.334 of 2007 on the file of the V-Additional Junior Civil Judge,
Warangal, for a period of four weeks.

RTP.No.33 of 2015

To be heard on bench

R.T.P.No.52 of 2015

Receive and transmit.

R.T.P.M.P.No.56 of 2015

Notice to respondents.

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R.T.P.No.53 of 2015

Receive and transmit.

R.T.P.MP.No.57 of 2015

The suit is filed for mandatory and perpetual injunction against the respondents herein. The suit schedule property consists of wet land measuring Ac.4-80 cents in R.S.No.121 of Thummalapalli Village, Nandivada Mandal, Krishna District.

The cause of action for filing the suit is the acts of defendant in closing punta bode running from 'A' to 'D' shown in the plaint plan and on 03.01.2015 when the defendant attempted to leave the water for fishing tanks surrounding the plaint schedule. One of the reliefs is one for mandatory injunction. As regards the relief of temporary injunction, the utilization of water for fishing tanks is going to change the physical features and *prima facie* the matter requires consideration.

With a view to preserving the *status quo* appearing as on date, the defendant is restrained by way of temporary injunction from leaving the water to fish tanks on all the three sides of the suit schedule property without raising the height of the bund running from west to east shown as points P Q R S in the plaint plan, for a period of four weeks from today.

R.T.P.No.54 of 2015

Receive and transmit.

R.T.P.MP.No.58 of 2015

The suit is filed for perpetual injunction restraining the defendant, his agents etc., from undertaking or executing illegal and unauthorized constructions on the northern side of the defendant's house by leaving the openings such as ventilators, ducts, toilets etc., into the windows of petitioner/plaintiff. The petitioner/ plaintiff *prima facie* it appears is seeking protection of the Court against the illegal and unauthorized constructions being undertaken by the

respondent/defendant on the northern side of his house. The constructions complained against are proposed openings of ducts, ventilators on the northern side of defendant's house. The case of the petitioner/plaintiff is also that the proposed constructions are restrained by way of injunction from carrying out construction on the northern side of 1st respondent's house by leaving ventilators, ducts for the toilets and much open duct in the stair case.

With a view to preserving the physical features and for effective adjudication, this Court considers granting injunction for a period of three weeks from today.

Notice to respondents/defendants.

R.T.P.No.55 of 2015

Receive and transmit.

R.T.P.MP.No.59 of 2015

The parties are directed to maintain *status quo* in all aspects for a period of two weeks from today.

R.T.P.No.56 of 2015

Receive and transmit.

R.T.P.MP.No.61 of 2015

The petitioners/plaintiffs claim to have purchased the plaint schedule property from the respondents/defendants through a series of registered sale deeds between 2006 and 2014, copies of which are filed. The suit is one for perpetual injunction restraining the respondents/defendants from interfering with the peaceful possession and enjoyment of the petitioners/plaintiffs. The cause of action for filing the suit is the alleged abortive act of respondents/ defendants in either interfering with petitioners/plaintiffs' possession or damaging the trees, property etc., in the plaint schedule. The petitioners/plaintiffs in support of

their case of acquisition of right and title filed registration extracts of sale deeds, FIR filed with the police and photographs evidencing alleged damage caused by the respondents/defendants.

Considering the above material, this Court considers it appropriate to direct the parties to maintain *status quo* as regards possession vis-à-vis the plaint schedule property, for a period of three weeks from today.

Issue urgent notice to respondents/defendants.

R.T.P.No.57 of 2015

Receive and transmit.

R.T.P.MP.No.62 of 2015

Notice.

R.T.P.No.58 of 2015

Receive and transmit.

R.T.P.MP.No.63 of 2015

Notice.

R.T.P.No.59 of 2015

Receive and transmit.

R.T.P.MP.No.64 of 2015

Notice.

R.T.P.No.60 of 2015

Receive and transmit.

R.T.P.MP.No.65 of 2015

Notice.

R.T.P.No.61 of 2015

Receive and transmit.

R.T.P.MP.No.66 of 2015

The cause of action for filing the suit is that the defendants through their physical and forcible acts are trying to interfere with petitioner/plaintiff's possession and are threatening to change the physical features of the property. In support of his case, the petitioner/plaintiff filed the title documents on which the claim is rested.

Perused the material available on record.

Considering the above material, this Court considers it appropriate to direct the parties to maintain *status quo* in all aspects, for a period of three weeks from today.

R.T.P.No.62 of 2015

Receive and transmit.

R.T.P.MP.No.67 of 2015

To be dictated on bench after hearing

R.T.P.No.63 of 2015

Receive and transmit.

R.T.P.MP.No.68 of 2015

Issue urgent notice.

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R.T.P.No.64 of 2015

Receive and transmit.

R.T.P.MP.No.69 of 2015

The parties are directed to maintain *status quo* with regard to drilling of bore well in the plaint schedule property, if the bore well is not already dug, for a period of three weeks from today.

RTP (SR) No.499 of 2015

R.T.P.MP.No.60 of 2015

The application is for grant of leave to the petitioners to file the suit under Section 92 of CPC.

To be heard on bench

A.S.No.4 of 2015

A.S.M.P.No.17 of 2015

There shall be interim stay of all further proceedings in E.P.No.1 of 2009 in the Court of the Principal District Judge, Kadapa, for a period of four weeks from today.

Notice.

Post the ASMP on 30.01.2015.