

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL MISCELLANEOUS APPEAL No.1107 of 2014

Date:21.01.2015

Between:

Kavitha Memorial Educational Society,
Khammam, repled by its Secretary and
Correspondent-Parupalli Usha Kiran Kumar

..... Appellant

And:

Kondapalli Jithender Reddy,
S/o Sekhar Reddy

.....Respondent

Counsel for the Appellant: Sri N.V.Anantha Krishna

Counsel for the Respondent: Sri M.Rajamalla Reddy

The Court made the following:

JUDGMENT:

This Civil Miscellaneous Appeal arises out of order, dated 21.11.2014, in I.A.No.1458 of 2014 in AS.No.81 of 2014 on the file of learned Special Sessions Judge for Trial of cases under SCs and STs(POA) Act, 1989-cum-Additional District Judge, Khammam.

I have heard Sri N.V.Anantha Krishna, learned counsel for the appellant and Sri M.Rajamalla Reddy, learned counsel for the respondent.

The appellant filed O.S.No.1100 of 2004 on the file of learned Principal Junior Civil Judge, Khammam, for mandatory injunction directing the respondent to

demolish certain structures raised over the alleged Government property and also for permanent injunction restraining the respondent from raising further constructions thereon.

The respondent filed O.S.No.1064 of 2004 on the file of learned Principal Senior Civil Judge, Khammam for perpetual injunction against the Government from interfering with his possession of certain extent of property which was claimed to be belonging to the Government. The appellant has got impleaded in the said suit as a defendant. Both the suits were clubbed together and by a common judgment, dated 26.09.2004, the trial Court has dismissed the suit filed by the appellant and decreed the suit filed by the respondent. Feeling aggrieved by the judgment in O.S.No.1100 of 2004, the appellant has filed AS.No.81 of 2014 before the lower appellate Court. Along with the said appeal, the appellant has also filed I.A.No.1458 of 2014 for an injunction restraining the respondent from making constructions over the suit schedule property. By order, dated 21.11.2014, the lower appellate Court dismissed the said application.

At the hearing, Sri M.Rajamalla Reddy, learned counsel for the respondent, submitted that while his client is not proposing to make fresh constructions, he is only intending to reconstruct certain portions of the structures demolished by the Revenue Department based on the wrong information furnished in the website of the Court that his client's suit was dismissed and the suit filed by the appellant was decreed.

In the light of this submission of learned counsel for the respondent, the Civil Miscellaneous Appeal is

disposed of by permitting the respondent to reconstruct only that portion of the building which is allegedly demolished by the Revenue Department after disposal of the suits and with the direction to him not to raise any other fresh constructions pending the appeal.

The Civil Miscellaneous Appeal is, accordingly, disposed of.

As a sequel to disposal of the appeal, CMAMP.No.1888 of 2014 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*21st January 2015
DR*