

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

CIVIL REVISION PETITION NOs.2635 AND 2690 OF 2015

CIVIL REVISION PETITION NO.2635 OF 2015

Between:

Metti Srinivasa Raju
... Petitioner

and

Annamreddy Ramanarao and others.
... Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 31st JULY, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. | Whether their Lordship wishes to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION NOS.2635 AND 2690 OF 2015

COMMON ORDER

These two civil revision petitions are amenable to disposal by way of this common order.

The petitioner in these cases is common. He filed ATC No.8 of 2014 before the Special Officer (Tenancy)-cum-Principal Junior Civil Judge, Tadepalligudem, for a permanent injunction restraining the respondents from interfering with his peaceful possession and enjoyment over the petition schedule property. He filed I.A.No.1180 of 2014 therein for a temporary injunction pending disposal of the ATC. After closure of the arguments of both sides in the said I.A. when the matter was posted for orders, the petitioner filed I.A.No.379 of 2015 in I.A.No.1180 of 2014 in ATC No.8 of 2014 to reopen I.A.No.1180 of 2014. He also filed I.A.No.378 of 2015 in I.A.No.1180 of 2014 in ATC No.8 of 2014 under Order 16 Rule 6 CPC to issue summons to the Branch Manager, Indian Bank, Kommugudem, to produce the original sale deed, pattadar pass book and the original title deed pertaining to the first respondent who had an agricultural loan account in the said bank, bearing No.563189427. The trial Court dismissed both the IAs. Hence, these civil revision petitions under Article 227 of the Constitution.

Civil Revision Petition No.2690 of 2015 arises out of the dismissal of I.A.No.378 of 2015 while Civil Revision Petition No.2635 of 2015 pertains to the dismissal of I.A.No.379 of 2015.

Heard Sri S.Subba Reddy, learned counsel for the petitioner in the two cases, and Sri D.Murali Krishna, learned counsel on caveat for

the third respondent in both cases.

The endeavour of the petitioner before the trial Court in filing the subject IAs was to attack the alleged sale of the petition schedule property by the first respondent to the third respondent. It was in the context of this attack that he wanted to summon the bank officer for producing certain documents. However, the prayer in I.A.No.1180 of 2014 was for a temporary injunction pending disposal of the main case and the first and the third respondents were both parties thereto. For consideration of the petitioner's prayer for a temporary injunction, the issue of the alleged sale of the petition schedule property by the first respondent to the third respondent was not at all relevant. The trial Court also held to this effect as is clear from its observation that for deciding I.A.No.1180 of 2014, which was filed for the relief of a temporary injunction, the documents sought by the petitioner from the custody of the proposed witness were not at all necessary. This Court is in complete agreement with the opinion expressed by the trial Court.

The Civil Revision Petitions are therefore devoid of merit and are accordingly dismissed. This order shall however not preclude the petitioner herein from raising a similar plea before the trial Court at the appropriate stage and in the event he does so, the same shall be considered by the trial Court in accordance with law. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

31st JULY, 2015

PGS