

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.5281 of 2013

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.24.09.2012 in I.A.No.2159 of 2012 in I.A.No.1798 of 2012 in O.S.No.711 of 2012 of the I Additional District & Sessions Judge, R.R.District at L.B.Nagar.

2. The petitioners herein are third parties to the above suit. The 1st respondent had filed the said suit against respondents 2 and 3 for perpetual injunction restraining them from interfering with his alleged possession and enjoyment of the suit schedule property.

3. It is not in dispute that an order of status quo was passed on 07.08.2012 in I.A.No.1798 of 2012 in the said suit in favour of the 1st respondent and against respondents 2 and 3.

4. Then the 1st respondent filed I.A.No.2159 of 2012 seeking police aid for implementing the order of status quo.

5. The Court below allowed the said I.A. by a docket order dt.24.09.2012 stating that police aid is granted only to the extent of preserving the status quo order granted by the Court.

6. Challenging the same, this Revision is filed.

7. Counsel for the petitioners contended that taking advantage of the impugned order, the 1st respondent is preventing the petitioners from

enjoying the property allegedly in their possession, which they had obtained pursuant to an order in Appln.No.711 of 2009 in C.S.No.14 of 1958 passed by this Court. He also contended that petitioners are not parties to the suit O.S.No.711 of 2012 and any order obtained by the 1st respondent therein against respondents 2 and 3 cannot be said to be binding on the petitioners.

8. Counsel for the 1st respondent on the other hand contended that the petitioners have no right in the suit schedule property and it is in the possession of the 1st respondent only. He also contended that as on date, there is no final decree passed in C.S.No.14 of 1958 in respect of the subject property.

9. I have noted the submission of both sides.

10. The 1st respondent had filed the suit for injunction against the respondents 2 and 3. Any order obtained by the 1st respondent in the said suit would operate only against respondents 2 and 3 and not against the persons like the petitioners, who are not parties to the said suit.

11. Therefore, this Civil Revision Petition is disposed of declaring that the orders obtained by 1st respondent against respondents 2 and 3 in O.S.No.711 of 2012 on the file of the I Additional District & Sessions Judge, R.R. District at L.B.Nagar will not operate against the petitioners. There shall be no order as to costs.

12. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

04th September, 2015

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