

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.3666 OF 2015

ORDER:-

This Civil Revision Petition is filed seeking a direction to the Lower Appellate Court i.e., Senior Civil Judge Court, Bhongir, Nalgonda District, to take up the C.M.A.No.11 of 2014 and dispose of the same expeditiously in accordance with law.

Inasmuch as, the relief that is being sought by the petitioner is innocuous relief and not touching on the merits, a direction under Article 227 of the Constitution of India to dispose of the matter can be granted. Therefore, the same is being disposed of at the admission stage since I do not consider it necessary to order notice to the respondents.

As per the averments in this Civil Revision Petition, the petitioner is the 1st defendant in O.S.No.239 of 2013 on the file of Junior Civil Judge Court, Alair, filed by the 1st respondent seeking perpetual injunction with respect to the property in Sy.No.159/A/2, situated at Dilawarpur village, Alair Mandal, Nalgonda District and in I.A.No.47 of 2013 in O.S.No.239 of 2013 ad-interim injunction was granted in favour of the 1st respondent and against the petitioner herein and the same was made absolute on 28.02.2014. As a matter of fact, petitioner has also filed O.S.No.236 of 2013 on the file of Junior Civil Judge Court, Alair, against the 1st respondent and his vendor Kasthuri Sankaraiah, seeking injunction from ever interfering with her peaceful possession and enjoyment of the property in Sy.No.159/A/2 of the Dilawarpur village, Alair Mandal, Nalgonda District. In both the suits the parties are one and the same. The petitioner claims her right over the property on

the ground of devolving the said property through a Registered Gift Deed bearing Document No.587 of 1985, dated 28.05.1985, executed by one K. Vishwanatham. Whereas, the 1st respondent claims right over the same property by virtue of a Registered Sale Deed bearing Document No.11801 of 2012, dated 31.12.2012 executed by one Kasthuri Shankaraiah and his sons viz., Raju and Shiva Kumar. Likewise, the petitioner had also filed I.A.No.40 of 2013 in O.S.No.236 of 2013, in which ad-interim injunction was granted on 29.04.2013, and the same was made absolute on 28.02.2014 against the defendants therein. Though, both the suits are in relation to the same property the court below instead of clubbing both the suits together and hear the same, heard both the Interlocutory Applications repeatedly and made independent orders granting injunctions in favour of the respective plaintiffs and that too on the same day. On account of the same, there is a law and order problem created on the site and aggrieved by the order dated 28.02.2014 granting injunction against the petitioner/defendant, she along with two others promptly filed C.M.A. No.11 of 2014 before the learned Senior Civil Judge at Bhongir, in the month of May, 2014. Though there is a long lapse of time, no orders are being passed. The matter is not being taken up on account of the fact that there is no Presiding Officer for some time. The conflicting orders are causing irreparable damage to the petitioner and also resulting in frequent clashes between both the parties. In the circumstances, the C.M.A. is required to be taken up for hearing expeditiously at the earliest as the respondents have already been served.

The matters came up before this court in C.R.P.No.1468 of 2015 and C.R.P.No.1524 of 2015. Both the C.R.Ps. came to be

filed when the court below refused to grant police aid to implement the interim injunctions granted in their favour in respect of their suits. Noticing the situation created by the Court below in granting injunctions in favour of both the parties with respect to the same property, this Court enquired whether any appeal has been preferred by either of the parties. Thereafter, petitioner came out with this petition bringing to the notice of this Court about the filing of the C.M.A.No.11 of 2014 and the pendency of the same. Inasmuch as a factual enquiry is required to be made with respect to the details of the case, particularly the identity of the property and sustenance of the property, I deem it appropriate to direct the learned Senior Civil Judge, Bhongir, to hear the appeal as expeditiously as possible, after giving opportunity to them, and pass appropriate final orders within a period of four weeks from the date of receipt of this order.

With the above direction this Civil Revision Petition is allowed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated:01.09.2015.

Note: C.C. in three days.

B/o
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