

THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY THIS THE SIXTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

**THE HON'BLE MR JUSTICE A.RAMALINGESWARA
RAO**

-
CIVIL REVISION PETITION No.3116 of 2014

Between:

K.V.Ramesh Reddy

..... PETITIONER

AND

M/s.Anjali Educational Society,

Suryapet, rep.by its Secretary

Vempati Ajay Kumar and 7 others

.....RESPONDENTS

The Court made the following:

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA
RAO**

CIVIL REVISION PETITION No.3116 of 2014

ORDER:

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

This civil revision petition is filed against the order in C.M.A.No.10 of 2011 dated 30.07.2014 on the file of the II Additional District Judge, Nalgonda at Suryapet, reversing the order in I.A.No.31 of 2010 in O.S.No.8 of 2010, dated 30.03.2011 on the file of the Junior Civil Judge, Suryapet.

O.S.No.8 of 2010 was filed by respondents Nos.1 to 3 herein for permanent injunction in respect of three pieces of land mentioned in Schedules-1, 2 & 3. The petitioner herein was arrayed as Defendant No.3 in the suit.

The plaintiffs claim that they have purchased the land of an extent of 12,100 square yards, 5,566 square yards and 200 square yards respectively in Sy.No.660 of Suryapet Revenue and Municipal limits under registered sale deeds vide Documents Nos.1594/2000, 1637/2000 and 1636/2000 dated 16.05.2000 from their vendors A.Pullamma and K.Ratnakar Reddy who got a registered sale-cum-G.P.A in their favour executed by K.V.Krishna Kumari. The said K.V.Krishna Kumari expired on 21.03.2002. Now the 3rd defendant disputes the execution of the sale deeds as well as possession of the property by respondents Nos.1 to 3 herein.

The trial Court dismissed the application of respondents Nos.1 to 3 for interim injunction on the ground that they failed to show possession of the property. The lower appellate Court, on reappraisal of the material available on record, set aside the order of the trial Court and allowed I.A.No.31/2010 in O.S.No.8/2010, observing that Ex.P3

pahani for the year 1997-98 showed the number of houses in occupants column and it cannot be said that respondents 1 to 3 herein are not in possession of the property.

It is submitted by the learned counsel for respondents 1 to 3 herein that pending disposal of the CMA.No.10/2011, there was temporary injunction in their favour and it continued till today. The dispute with regard to title and possession held by respondents 1 to 3 raised by the 3rd defendant/petitioner herein can be agitated in the pending suit. In view of the *prima facie* title and possession in favour of the respondents 1 to 3 and in view of the temporary injunction from 2011 onwards, I am not inclined to admit this civil revision petition and is accordingly dismissed. No order as to costs.

Since the suit is of the year 2010 and is filed for perpetual injunction, the trial Court shall endeavour to dispose of the same, as expeditiously as possible, without being influenced by any of the observations recorded by the trial Court, lower appellate Court and this Court. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO,J

Date: 06.03.2015

Dsr