

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.16816 of 2010

Date: 06-07-2015

Between:

Sri Kanyaka Parameswari Ammavari Devasthanam,
Represented by its Chairman, R. Agraharam, Guntur
.... Petitioner

AND

The Court of II Additional Senior Civil Judge-cum-
Fast Track Court, Guntur and 3 others
.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.16816 of 2010

ORDER:

This writ petition is filed for a mandamus challenging the jurisdiction conferred under Section 151 read with Section 160 of Act 30 of 1987 of the 1st respondent-II Additional Senior Civil Judge-cum-Fast Track Court, Guntur to decide the suit O.S.No.705 of 2005 filed by the respondents 2 to 4.

2. When the matter is taken up for hearing, learned counsel for the petitioner stated that I.A.No.482 of 2006 was filed in O.S.No.705 of 2005 for framing a preliminary issue whether the civil court has jurisdiction to entertain the suit in view of bar contained under Section 151 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987) and without deciding the said issue, no suit can be tried, but the 1st respondent-Court, without deciding the said issue, has commenced the trial in the suit. Challenging the said action, the

present writ petition is filed.

3. However, learned counsel for both parties submitted that the 1st respondent-Court may be directed to take up first I.A.No.482 of 2006 wherein a preliminary issue of exercise of jurisdiction by the civil court to entertain the suit in view of bar contained under Section 151 of the Act has been pleaded, basing on which the suit itself can be decided.

4. In view of the statement made by the learned counsel on either side, the 1st respondent-II Additional Senior Civil Judge-cum-Fast Track Court, Guntur is directed to take up first I.A.No.482 of 2006, which is stated to be filed before him, as expeditiously as possible preferably within a period of eight (8) weeks from the date of receipt of the order, and thereafter, depending on the decision in I.A.No.482 of 2006, the suit O.S.No.705 of 2006 shall be decided, as expeditiously as possible.

With the above direction, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 06-07-2015

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