

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

C.R.P.No.3047 of 2015

ORDER:

Heard Sri Ch.Koteswara Rao, learned counsel for the petitioners. None appears for the respondents.

2. This Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.29-04-2015 in C.M.A.No.11 of 2011 of the Principal District Judge, Warangal confirming the order dt.25-03-2011 in I.A.No.2137 of 2009 in O.S.No.1010 of 2009 of the II Additional Junior Civil Judge, Warangal.

3. Petitioners herein are plaintiffs in the above suit. The said suit was filed by the petitioners against the respondents for perpetual injunction restraining the respondents from interfering with the peaceful possession and enjoyment of the petitioners' over the plaint schedule property.

4. Along with the suit, the petitioners filed I.A.No.2137 of 2009 seeking an ad-interim injunction against the respondents pending disposal of the suit.

5. Counter affidavit was filed by 1st respondent denying the possession of the petitioners in respect of the suit schedule property and a specific contention was raised that the boundaries given by the petitioners in the

plaint schedule were wrong.

6. By order dt.25-03-2011, the trial Court dismissed I.A.No.2137 of 2009 upholding the objection of the respondents that the boundaries shown by the petitioners were not correct. The petitioners then filed C.M.A.No.11 of 2011 before the Principal District Judge, Warangal.

7. By order dt.29-04-2015, the said appeal was also dismissed confirming findings of the trial Court.

8. Challenging the same, this Revision Petition is filed.

9. The concurrent findings of the trial Court as well as the lower appellate Court that the petitioners have shown wrong boundaries are based on appreciation of evidence adduced in the trial Court and do not appear to be perverse or based on no evidence. Admittedly there has been no injunction in favour of the petitioners since 2009. Therefore, at this point of time, it may not be proper to grant any injunction in favour of the petitioners pending disposal of the suit.

10. Therefore, without going into the merits of the case, the trial Court is directed to dispose of O.S.No.1010 of 2009 on its file as expeditiously as possible, preferably, within six months from the date of receipt of a copy of this order uninfluenced by any

observations made in its own order dt.25-03-2011 in I.A.No.2137 of 2009 or order dt.29-04-2014 in C.M.A.No.11 of 2011 of the Principal District Judge, Warangal or of this Court in this order.

11. With the above directions, the Civil Revision Petition is dismissed. No costs.

12. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-10-2015

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