

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

CIVIL REVISION PETITION NO.1969 OF 2015

Between:

Smt. Reddy Baby Sarojini

.. Petitioner

and

Smt. Peddireddy Raghavamma and others

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT
2015

: 21st JULY,

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. | Whether Their Lordship wish to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.1969 OF 2015

ORDER

O.S.No.215 of 2014 was filed by respondents 1 and 2 herein before the learned Principal Junior Civil Judge, Tadepalligudem, for a permanent injunction restraining the defendants from interfering with their possession and enjoyment over the suit schedule property. They filed I.A.1546 of 2014 therein for a temporary injunction. While so, the defendants filed I.A.No.322 of 2015 in the said temporary injunction I.A. to summon the Village Secretary, Narayanapuram, Unguturu Mandal, to produce the relevant record relating to the alleged possession and enjoyment of the plaintiffs for the previous 30 years. By order dated 16.04.2015, the trial Court dismissed the said I.A. Aggrieved thereby, the first defendant in the suit is before this Court by way of this revision under Article 227 of the Constitution.

Sri S.Subba Reddy, learned counsel for the petitioner/first defendant, fairly conceded that the temporary injunction application in I.A.No.1546 of 2014 in O.S.No.215 of 2014 was allowed by the trial Court by order dated 25.06.2015. He would however contend that notwithstanding the disposal of the injunction application, the plea of his client in the I.A. filed therein would survive for consideration in this revision petition. He placed reliance on **G.RAMEGOWDA, MAJOR ETC., V/s. THE SPECIAL LAND ACQUISITION OFFICER, BANGALORE**^[1] in this regard. As the subject application was filed by the defendants in and for the purposes of the injunction application, the preliminary issue which is required to be considered in this revision is

whether the order passed by the trial Court in I.A.No.322 of 2015 filed in I.A.1546 of 2014 would survive for consideration after the said injunction application has been allowed.

In **G.RAMEGOWDA¹**, the fact situation was altogether different. The order of the High Court condoning the delay in the filing of the appeals was challenged before the Supreme Court and during the pendency thereof, the main appeals were disposed of. The Supreme Court was of the opinion that this was an instance of 'dependent-orders' and if the order excusing the delay was itself set aside by the Supreme Court, the exercise made in the meanwhile by the High Court in disposing of the appeals would be rendered nugatory. Thus, the challenge in that case was to an order which formed the foundation for the appeals and once the Supreme Court intervened thereupon and dismissed the condone delay petitions, the superstructure of the appeals collapsed automatically, notwithstanding the disposal of the same on merits by the High Court in the meanwhile.

However, such is not the case presently.

The prayer in I.A.No.322 of 2015 filed in the injunction application, I.A.1546 of 2014, does not go to the foundation of I.A.No.1546 of 2014. Any order passed by this Court in this revision against the dismissal of I.A.No.322 of 2015 would therefore not go to the foundation underlying the temporary injunction granted and in that sense, the case on hand does not present any 'dependent order' as in the case of **G.RAMEGOWDA¹**. Reliance placed by the learned counsel upon this decision is therefore misplaced.

As the injunction application already stands allowed by the trial Court independently, it is for the defendants in the suit to assail the same in accordance with law, if they are aggrieved thereby. Further, as the summoning of the Village Secretary is not limited to contesting the grant of a temporary injunction, it would be open to the defendants to seek the said relief at the appropriate stage during the suit proceedings. Perusal of

the order under revision reflects that the trial Court was also of the opinion that it was not the appropriate stage to decide the correctness of the certificate issued by the Village Revenue Officials and that the petition filed by the defendants seeking the summoning of the Village Secretary was not maintainable at that stage. Therefore, it would still be open to them to move an appropriate application for the said relief at the appropriate stage in the suit.

Subject to the above observation, the CRP is dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

21st JULY, 2015

PGS

[\[1\]](#) AIR 1988 SC 897