

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

CIVIL REVISION PETITION Nos.4584 and 4666 of 2012

COMMON ORDER:

These two Revisions arise between the same parties out of cross suits and therefore they are being disposed of by this common order.

2. The petitioner in both the Revisions is plaintiff in O.S.No.51 of 2008 and defendant in O.S.No.50 of 2008 on the file of the Junior Civil Judge, Pargi. The respondent in these Revisions is 2nd defendant in O.S.No.51 of 2008 and plaintiff in O.S.No.50 of 2008 on the file of the same Court.

3. Both the suits have been filed by the parties against each other for a perpetual injunction restraining the other party from interfering with their alleged possession and enjoyment of the same property in Sy.No.306/A of Gandeed village and Mandal, Ranga Reddy District.

4. The respondent herein filed I.A.No.163 of 2008 for a temporary injunction against petitioner in O.S.No.50 of 2008 while petitioner had filed I.A.No.170 of 2008 in O.S.No.51 of 2008 against respondent and others.

5. Counters were filed by each of the party opposing the application filed by other party.

6. By order dt.16-07-2008, I.A.No.163 of 2008 filed by respondent against petitioner was allowed and I.A.No.170 of 2008 filed by petitioner against respondent was dismissed.

7. The petitioner filed C.M.A.No.12 of 2008 against the order in I.A.No.163 of 2008 and C.M.A.No.13 of 2008 against the order in I.A.No.170 of 2008 before the Senior Civil Judge, Vikarabad.

8. By separate orders dt.12-04-2012, both these appeals have been dismissed.

9. The petitioner has therefore filed C.R.P.Nos.4666 of 2012 and 4584 of 2012 against the orders dt.12-04-2012 in C.M.A.No.12 of 2008 and 13 of 2008 respectively.

10. Learned counsel for petitioner Sri T.C.Krishnan in both the Revisions contended that the trial Court ought not to have granted temporary injunction pending suits in I.A.No.163 of 2008 in O.S.No.50 of 2008 in favour of respondent while dismissing I.A.No.170 of 2008 in O.S.No.51 of 2008, and that the lower appellate Court had erred in confirming the same in C.M.A.Nos.13 of 2008 and 12 of 2008 respectively. He also contended that it is the petitioner who was in possession of the suit schedule property on the date of filing O.S.No.50 of 2008 by respondent and that the evidence on record supports the claim of petitioner.

11. Learned counsel for respondent Sri B.Shanker in both the Revisions, however, refuted the above contentions and supported the orders passed by the Courts below.

12. From the facts narrated above, it is clear that there has been a temporary injunction in favour of respondent against petitioner in I.A.No.163 of 2008 since 16-07-2008 since it is not the case of petitioner that the said injunction had been suspended pending C.M.A.No.12 of 2008. Thus, for more than 7 years there has been a temporary injunction in favour of respondent against petitioner and petitioner had no injunction against respondent.

13. In this view of the matter, at this point of time, I am of the opinion that it is not proper to review the evidence and interfere with the concurrent findings of fact of the Courts below.

14. Therefore, these Civil Revision Petitions are disposed of directing the trial Court to dispose of the suits preferably within a period of six (06) months from the date of receipt of a copy of this order, and pending disposal of the suits, temporary injunction granted in I.A.No.163 of 2008 in O.S.No.50 of 2008 in favour of respondent against petitioner shall continue. However, the trial Court shall dispose of the suits uninfluenced by its order in

I.A.No.163 of 2008 or in C.M.A.No.12 of 2008 or this order. No costs.

15. As a sequel, miscellaneous petitions pending if any, in these Revisions, shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 30-09-2015

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