

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 178 OF 2015

ORDER:

The second respondent in the present Civil Revision Petition filed O.S.No. 3432 of 2009 against the first respondent herein seeking mandatory injunction directing the 3rd defendant, who is the first respondent herein to remove illegal construction raised by the petitioners over 20 feet wide public road of Bapunagar Colony, as shown in the suit schedule area.

Petitioners are defendants 1 and 2. The right of the Corporation, as defendant, was forfeited to file the written statement. The first respondent herein filed I.A.No. 367 of 2014 for setting aside that order and that order was set aside by docket order dated 10.10.2014 on condition of the payment of Rs. 500/- to the petitioners herein, who are the contesting defendants. The said order is challenged in the present Civil Revision Petition.

A perusal of the docket order shows that the first respondent herein was permitted to file his written statement in order to ascertain the true facts of the case, as the first respondent is a Municipal Corporation. The suit was filed by the second respondent-Chaitanya Welfare and Development Society. The petitioners herein are contesting defendants. They have already filed their written statement. In the interest of justice, the order passed by the trial Court cannot be found fault in view of the nature of the relief sought in O.S.No. 3432 of 2009.

In the circumstances, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

A. RAMALINGESWARA RAO, J

DATE: 2.11.2015

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