

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

CIVIL REVISION PETITION No. 2807 of 2015

Between:

Nyala Yellaiah and others

.. Petitioners

and

Nalla Shiva Reddy

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 2807 OF 2015

ORDER:-

The respondent herein filed O.S.No.158 of 2011 on the file of the Principal Junior Civil Judge at Huzurabad for permanent injunction restraining the petitioners herein from interfering with his peaceful possession and enjoyment of the suit schedule property. Along with the suit, he filed I.A.No.498 of 2011 under Order XXXIX Rules 1 & 2 CPC for temporary injunction. By an order dated 04.01.2012, the learned Principal Junior Civil Judge allowed the I.A. and granted an interim injunction. Challenging the same, the petitioners filed C.M.A.No.3 of 2012 before the Court of the Senior Civil Judge at Huzurabad. By an order dated 28.01.2015, the learned Senior Civil Judge dismissed the C.M.A. Aggrieved by the same, the petitioners preferred the present revision under Article 227 of the Constitution of India.

The case of the respondent is that he is the absolute owner and possessor of the suit schedule property since 20 years. The petitioners 2 to 4 are the sons of the 1st petitioner. As the land of the 1st petitioner was situated towards the western side of the suit schedule property, the petitioners demanded him to alienate the suit schedule property, for which the respondent refused. However, with an intention to knock away the schedule property, the petitioners started interfering with the peaceful possession and enjoyment of the same by the respondent.

The petitioners filed counter denying the averments made in the petition, while admitting the ownership of the respondent with regard to

the suit schedule property. It is contended that the respondent alienated a part of the property to them by receiving a sum of Rs.9,00,000/- towards advance sale consideration under a sale agreement dated 16.08.2010 and delivered possession of the same. The balance sale consideration of Rs.7,03,756/- was agreed to be paid on or before 18.04.2011. It is stated that though the petitioners are ready to perform their part of agreement by paying the balance consideration, the respondent is not willing to execute the registered sale deed. The petitioners got issued a legal notice dated 31.05.2011, which was received by the respondent, but he kept quiet without giving any reply. Suppressing all these facts, the respondent filed the suit.

Heard learned counsel for the petitioners and perused the entire record.

To establish his case, the respondent filed certified copies of pahanies issued by the Tahsildar, Veenavanka Mandal, under Exs.P.1 to P.7 and the land revenue receipts under Exs.P.8 and P.9. Though it is the contention of the petitioners that a part of suit schedule property was purchased by them and possession of the same was delivered to them, no document through which possession was delivered to them by the respondent is placed on record. Further, no revenue record is filed to show that the petitioners are in possession of the same. Exs.P.1 to P.7, the certified copies of pahanies, show that the respondent is in possession of the property even as on the date of filing of the suit. Further, Ex.R.1, agreement of sale dated 16.08.2010, does not disclose the delivery of possession of part of schedule property to the petitioners by the respondent. In view of the same, I see no grounds to interfere with the concurrent findings arrived at by the Courts below and the revision is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed at the stage of admission. However, since the suit is of the year 2011, the learned

Principal Junior Civil Judge at Huzurabad is advised to dispose of the suit within a period of six (6) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the revision shall stand closed.

C. PRAVEEN KUMAR, J

24th July, 2015
cbs

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