

HONOURABLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No. 682 OF 2015.

DATED 19TH MARCH, 2015

BETWEEN

Sri Vasavi Arya Vysya Nitya Anna Satram,
Rep. by its President, Medi Sankaraiah.
Karimanagar district.

....Petitioner

And

Soma Veeraiah and anr

....Respondents

HONOURABLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No. 682 OF 2015.

ORDER:

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This Civil Revision Petition is filed under Article 227 of the Constitution of India by the plaintiff in O.S.No.25 of 2006 on the file of the Court of learned Senior Civil Judge, Manthani, Karimnagar district. The grievance precisely in the revision is with regard to the non disposal of I.A.No.287 of 2013 filed by the petitioner herein in the said suit.

Heard Sri Jalli Kanakaiah learned Counsel for the petitioner, and Sri Anandham, learned Counsel for the respondents. Perused the material available before the Court.

The petitioner herein instituted O.S.No.25 of 2006 for

declaration of title and injunction in respect of the suit schedule property. Earlier the petitioner herein filed I.A.No.1119 of 2006 under the provisions of Order 39 Rules 1 and 2 of CPC and the same was dismissed by the learned Senior Civil Judge. The said order was confirmed in the Civil Miscellaneous Appeal. Subsequently the petitioner herein filed the present I.A.No.287 of 2013 on 25.02.2013 under the provisions of Section 94 (e) read with Section 151 of CPC, seeking a direction to the defendants/respondents herein not to make any construction in the plaint schedule property till the disposal of the suit. Resisting the said application, the defendants/respondents herein filed counter. Complaint in the present revision is that, even though the petitioner herein filed the said application as long as in February, 2013 and despite filing of counter affidavit by the defendants/respondents herein, no orders have been passed in the said IA. It is also the grievance of the petitioner herein that taking advantage of the pendency of the said application, the respondents herein are proceeding with construction. On the other hand it is the case of the defendants/respondents herein that they are making construction in their land only. The learned Counsel for the respondents, on instructions from his clients, undertakes that the respondents will not claim any equities in the event of the petitioner herein succeeding in the suit. In view of the above reasons, the Civil Revision Petition is disposed of, directing the Court of learned Senior Civil Judge, Manthani, Karimangar District to dispose of I.A.No.287 of 2013, on merits, within a period of two months from the date of receipt of a copy of this order.

The Civil Revision Petition is accordingly disposed of.

Miscellaneous petitions pending consideration if any in
the Civil Revision Petition shall stand closed in consequence.
No order as to costs.

JUSTICE A.V. SESA SAI

DATED 19TH MARCH, 2015.
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