

THE HON'BLE SRI JUSTICE A.V. SESA SAI

Civil Revision Petition No.3443 Of 2014

ORDER:

This revision under Article 227 of the Constitution of India is filed seeking a direction to the Court of the III Additional District Judge, Karimnagar, obviously to pass appropriate orders in I.A.No.492 of 2014 in O.S.No.17 of 2004. Defendants 22, 36 and 37 are the petitioners in the present revision.

Heard the learned counsel for the petitioners, Sri Bankatlal Mandhani, and perused the material available before the Court. There is no representation on behalf of the 1st respondent/plaintiff, in spite of service of notice.

The 1st respondent herein instituted O.S.No.17 of 2004 on the file of the Court of III Additional District Judge, Karimnagar, seeking mandatory injunction for removal and demolition of the structures in survey No.1094/1 admeasuring Acs.2.00 of land situated at Karimnagar and also for a declaration that the registered sale deeds bearing document Nos.1826/83, dated 06.05.1983; 1827, dated 06.06.1983; 1949, dated 16.05.1983; 2679, dated 07.07.1983 and 2681, dated 07.07.1983, are null and void and not binding on the plaintiff. Pending the suit, the defendants filed I.A.No.492 of 2014, under the provisions of Order XIV Rule 5 read with Section 151 of the Code of Civil Procedure, 1908, requesting the Court below to frame certain issues and additional issues, which according to the petitioners are necessary for determining the matter in controversy between the parties. The

1st respondent/plaintiff filed counter, resisting the said application.

A copy of the affidavit of the petition in I.A.No.492 of 2014 and the counter filed by the 1st respondent are placed on record by the

learned counsel for the petitioners. The only grievance of the petitioners, in the present revision, is that the learned III Additional District Judge is proceeding with the main suit, without passing any orders in I.A.No.492 of 2014.

If that be the fact, the very I.A. filed by the petitioners would be rendered infructuous. As such, without expressing any opinion on the merits of the said application, this Court deems it appropriate to direct the learned III Additional District Judge, Karimnagar, to dispose of I.A.No.492 of 2014, before proceeding with the main suit.

For the aforesaid reasons, the Civil Revision Petition is disposed of, directing the III Additional District Judge, Karimnagar, to pass appropriate orders in I.A.No.492 of 2014 in O.S.No.17 of 2004 in accordance with law, within a period of one month from the date of receipt of a copy of this order. It is also made clear that the learned III Additional District Judge shall pass appropriate orders in I.A.No.492 of 2014, before proceeding with the disposal of the suit. No order as to costs.

As a sequel, the miscellaneous petitions, if any, shall stand closed.

JUSTICE A.V. SESA SAI.

28.01.2015

GJ