THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.5187 of 2013

23.01.2015

Between:

M.Srinivas and another

…Petitioners

And

Smt.M.Padmashree and others

…Respondents

Counsel for the petitioners: Sri Vijay B.Paropkari

Counsel for respondents: None appeared

The Court made the following:

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ORDER:

This civil revision petition arises out of the order, dated 05.09.2013, in C.M.A.No.138 of 2012 on the file of learned II Additional District Judge, Ranga Reddy District at L.B.Nagar, whereby he has confirmed the order and decree, dated 25.02.2012, in I.A.No.2074 of 2011 in O.S.No.2115 of 2011 on the file of learned VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar.

Respondent No.1 filed the aforementioned suit for perpetual injunction in respect of agricultural land admeasuring Ac.05.03 guntas in survey No.36/A/3 of Gopanpally Village, Serilingampally Mandal, Ranga Reddy District. Along with the suit, she filed I.A.No.2074 of 2011 for temporary injunction. The petitioners contested the said application. However, by order, dated 25.02.2012, the trial Court granted injunction in favour of respondent No.1. Aggrieved by the said order, the petitioners filed the aforementioned C.M.A. The lower appellate Court dismissed the C.M.A. by its order, dated 05.09.2013, confirming the order passed by the trial Court. Feeling aggrieved by these two orders, the petitioners filed this revision.

On behalf of respondent No.1, she filed Exs.P-1 to P-10 and on behalf of the petitioners, they filed Ex.R-1 to R-6 before the trial Court. Apart from these documents unmarked pahanies for the years 2005-06 and 2007-08 in support of the case of respondent No.1 were filed. The trial Court granted injunction in favour of respondent No.1. As the suit is pending before the trial Court, I refrain from expressing any conclusive opinion on the possession of the parties. However, suffice it to observe for the purpose of disposal of this revision that while respondent No.1 has filed pahanies, which were not marked for the reasons not known, showing her possession, except the sale deeds, the petitioners have not

filed any other documents showing their possession. Based on the documentary evidence, both the Courts below have held in favour of respondent No.1. Therefore, I am not inclined to interfere with the concurrent orders passed by the Courts below.

The Civil Revision Petition is accordingly dismissed, however, with the observation that the findings rendered by the Courts below and the observations made by this Court in this order shall not weigh with the trial Court in disposing of the suit.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.7189 of 2013 and C.R.P.M.P.No.7190 of 2013 filed by the petitioners for interim stay and for receiving additional documents respectively shall stand dismissed as infructuous.

(C.V.NAGARJUNA REDDY, J)

23rd January, 2015
GHN