

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.1464 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondent No.1.

2. This Civil Revision Petition is directed against the order dated 27.03.2015 in I.A.No.764 of 2014 in O.S.No.121 of 2012 passed by the Court of the Junior Civil Judge at Huzuranagar, Nalgonda District (for short, trial Court).

2. The petitioner herein is a third party to the proceedings in O.S.No.121 of 2012 pending before the trial Court and filed I.A.No.123 of 2015 seeking impleadment in the said suit and it is pending.

3. Be that as it may, the first respondent herein filed O.S.No.121 of 2012 against the second respondent herein for the following reliefs:

“a. The defendant be evicted from the suit premises, and put the plaintiff in possession of the suit schedule premises.

b. The defendant may be directed to pay the costs of the suit to the plaintiff.”

4. A written statement was filed by the second respondent in the suit. Subsequently the plaintiff, the first respondent herein, filed I.A.No.764 of 2014 seeking a direction to the Manager, APGVB Bank, Nereducherla Branch, the Manager, APGVB Bank, Miryalaguda Branch and Post Master, Nereducherla Branch to remit/transmit the amounts in FD Nos.1054205420, 1054205431, 73022485169, 73003710448, 73003704569 and A/c.No.84350 into his account bearing No.73091113200 of APGVB Bank, Miryalaguda Branch. The said application was filed on the ground that late Chirumarri Girijamma was the

grand mother of the plaintiff and the maternal aunt of the father of the petitioner. She died issueless and her husband predeceased her. She executed a will on 31.12.2011 by settling the movable and immovable properties in favour of the plaintiff and Lord Sri Laxminarasimha Swamy Temple, Mattapally and she died intestate on 11.02.2012. The said petition was filed stating that the trial Court has got wide discretion to direct the Managers of APGVB Bank, Nereducherla and Miryalaguda Branches and Post Master, Nereducherla to disburse the deposit amounts to the account of the plaintiff. The second respondent, who is the defendant in the suit, filed a counter affidavit to the said petition stating that he got the property on lease from one P.Ramana Rao, the petitioner herein, and now he vacated the house and handed over it to said P.Ramana Rao. By this statement, the suit should have been dismissed as having become infructuous. But, the learned Judge traveled beyond the scope of the suit and passed the order in I.A.No.764 of 2014 directing the Managers of APGVB Bank, Nereducherla and Miryalaguda Branches and Post Master, Nereducherla to remit/transmit the FD amounts standing in the account of late Chirumarri Girijamma and the amount lying in the post office in account No.84350 into the petitioners joint account maintained in APGVB Bank, Miryalaguda Branch. The said order was passed on the ground that no loss or prejudice would be caused to the other side.

5. The order passed by the learned Junior Civil Judge at Huzuranagar is totally callous and beyond the scope of the relief sought in the main suit. In view of the counter filed by the second respondent/defendant, the suit itself has become infructuous. It is not known under what provision of law the learned Junior Civil Judge has passed the impugned order which had the effect of transferring the funds standing in the name of late Chirumarri Girijamma to the joint account of the petitioner and his father. The matter relating to the said funds is not even remotely connected to the relief sought in the suit.

6. In the circumstances, the impugned order dated 27.03.2015 in I.A.No.764 of 2014 in O.S.No.121 of 2012 passed by the learned Junior Civil Judge at Huzuranagar, Nalgonda District is set aside and the Civil Revision Petition is allowed at the admission stage. The miscellaneous petitions pending, if any,

shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 10.04.2015

Note: Issue CC by 13.04.2015.

B/o. TJMR