

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.298 of 2015

Dated : 17.03.2015

Between:

Gandlaparthi Aswartha Reddy S/o.G.Thimma Reddy,
Aged 52 yrs, Hindu, R/o.D.No.7-912, Rahmath Nagar,
Anantapur, Anantapur District & another
Kurnool District.

.. Petitioners

And

Gandlaparthi Raja Gopal Reddy S/o.G.Thimma Reddy,
Aged 58 yrs, R/o.G.Kothapalli Village,
Raphadu Mandal, Anantapur District & 2 others
Secretariat Buildings, Hyderabad & 4 others

.. Respondents

This Court made the following :

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ORDER :

The 1st respondent herein is the plaintiff who filed suit for permanent injunction in O.S.No.443 of 2013 pending on the file of Principal Junior Civil Judge, Anantapuram. In the said suit I.A.No.899 of 2013 is filed by the plaintiffs under Order 39 Rules 1 and 2 of Civil Procedure Code praying for grant of interim injunction restraining the respondents/defendants from interfering with the peaceful possession and enjoyment of the petition schedule property. The said I.A., was allowed by order dated 05.06.2014. Aggrieved thereby the defendants 2 & 3/petitioners herein filed C.M.A.No.13 of 2014 on the file of III Additional District Judge (F.T.C.) Anantapur.

2. On consideration of the rival claims, the III Additional District Judge, Anantapur, agreed with the view taken by the trial court and dismissed the C.M.A. Aggrieved thereby this Civil Revision Petition is filed.

3. Heard Sri S.D.Gowd, learned counsel for the petitioners. He contends that in the partition deed which was registered on 26.10.1989 in the description of boundaries on the southern side the Survey Number as 41 was wrongly shown where as correct Survey Number is 40 and taking advantage of the said wrong description of the boundaries, the plaintiffs are in illegal occupation of their property.

4. As rightly held by the III Additional District Judge, Anantapur, the description of boundaries in the partition deed stands as it is. No steps were taken by the petitioners herein, to rectify the description of boundaries in the partition deed. The court below found that as per the description of the property in the partition deed, the injunction granted by the trial court is valid. I do not see any error in the decision arrived at by the trial court and the III Additional District Judge, Anantapur.

5. Accordingly, the Civil Revision Petition is dismissed. However, it is made clear that any observation made in the C.M.A., do not come in the way of setting up defence by the petitioners herein, in O.S.No.443 of 2013. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand dismissed.

17th March, 2015
Rds

P.NAVEEN RAO,J