

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 4887 of 2013

ORDER:

The defendants in O.S.No.125 of 2012 on the file of the Junior Civil Judge, Thorrur, are the petitioners herein. The respondents herein filed the said suit seeking declaration of title and consequential injunction in respect of an agricultural bore well with a depth of 95 feet with 6 ½ inches of width along with submersible electric power supply connection No.450 in Survey No.320 of Madipally Village, Thorrur Mandal, Warangal District. The petitioners/ defendants filed their written statement and also filed I.A.No.72 of 2013 stating that the suit is not maintainable, as the issue between the parties was already settled in O.S.No.278 of 2008 on the file of the Junior Civil Judge, Thorrur. In fact, the said suit was originally filed as O.S.No.268 of 2002 on the file of the Junior Civil Judge, Mahabubabad, which was later on transferred to the Court at Thorrur. The said I.A. was dismissed on 03.06.2013 on the ground that O.S.No.278 of 2008 is a suit for a bare injunction, whereas the present suit is filed for declaration of title and consequential injunction. Though the parties are same, the relief sought is not same. In view of the reasons given by the trial Court, I am in agreement with the order passed in I.A.No.72 of 2013 on 03.06.2013 and it does not warrant any interference. However, the trial Court shall frame an appropriate issue, with regard to the binding nature of the decree in O.S.No.278 of 2008, in the present suit and dispose of the same, at the earliest.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the

civil revision petition shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

30th December, 2015
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C.R.P.No.4887 of 2013

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