

HON'BLE SRI JUSTICE S.V. BHATT

CRP.No.816 of 2015

ORDER:

Heard learned counsel for the petitioners and the respondents.

The defendants in O.S.No.36 of 2013 in the Court of the Senior Civil Judge, Nagarkurnool, are the revision petitioners. The Civil Revision Petition is directed against confirming order dated 01.12.2014 in CMA.No.14 of 2013 in the Court of the IX Additional District Judge, Wanaparthy. Through I.A.No.206 of 2013, the respondents obtained temporary injunction against revision petitioners, pending the suit.

Learned counsel appearing for the petitioners contends that the plaint in O.S.No.36 of 2013 or the interim application for grant of temporary injunction failed to take note of *status quo* order granted in favour of revision petitioners in I.A.No.63 of 2011 in O.S.No.21 of 2011 by the learned Junior Civil Judge, Nagarkurnool. The slight distinction in schedules in O.S.No.21 of 2011 and O.S.No.36 of 2013 is brought to the notice of the Court for filing a separate suit. One of the objections of revision petitioners is that now temporary injunction is granted in respect of a property, which is not in existence and cannot be identified with sub-division record. Learned counsel requests to set aside the orders impugned and to meet the ends of justice, prays to direct the parties to maintain *status quo*.

Per contra, learned counsel appearing for the respondents contends that the trial Court as well as the appellate Court have considered the failure of revision petitioners in placing on record the documents on which they are relying upon and consideration by both the Courts resulted in a finding of fact and no exception can be taken to these findings in the supervisory jurisdiction of this Court.

Learned counsel for the respondents contends that to give quietus to these cross suits, it is in the interest of justice that this Court considers directing disposal of O.S.No.36 of 2013 expeditiously, preferably within a period of three months from the date of receipt of a

copy of this order instead of passing any order at this point of time.

Considered the rival submissions and perused the findings recorded by the appellate Court as well as the trial Court.

The contentions against the orders impugned are against finding of fact and having regard to the facts and circumstances of the case, the Civil Revision Petition is disposed of by directing the trial Court to take up suit for trial and dispose of within a period of three months from the date of receipt of a copy of this order. The revision petitioners are given liberty to file appropriate application for transfer of O.S.No.21 of 2011 before learned District Judge, Mahabubnagar to the Court of the Senior Civil Judge, Wanaparthi.

With the above observation, the Civil Revision Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in the revision petition shall stand closed.

Date: 06.04.2015
KLP

S.V. BHATT, J