

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2745 of 2015

Date: 04-12-2015

Between:

Kawadipalli @ Kandala Lakshma Reddy

and another

.... Petitioners

AND

K. Mallaiah and 6 others

.... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2745 of 2015

ORDER:

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The plaintiffs in O.S.No.163 of 2012 on the file of Junior Civil Judge, Ranga Reddy at Hayathnagar are the petitioners herein. The said suit was filed by them seeking permanent injunction against the respondents herein.

The petitioners herein filed I.A.No.345 of 2012 seeking temporary injunction in respect of suit schedule land. The trial Court recorded a finding that the suit schedule land was acquired by the Government as per Ex.P.2 and the proceedings were issued in the year 2004 and that both the petitioners as well as the respondents are not in possession of the land. However, peculiarly, the

trial Court granted status quo pending disposal of the main suit by its order dated 31-01-2013. Challenging the same, the respondents herein preferred C.M.A.No.19 of 2013 and the lower Appellate Court, having noticed the acquisition of the land by the Government and both parties not being in possession of the land, held that the trial Court committed an error in ordering status quo and accordingly, allowed C.M.A.No.19 of 2013 by observing as follows:

“.....Therefore, the petitioners who are owners and possessors of the schedule of property have lost possession and interest over the land under Ex.P.2 proceedings and thereby cannot claim that they are in possession of the schedule of property. The trial Court was convinced that the petitioners are not in possession of the property and also recorded the same in the impugned order. Since the trial Court has come to conclusion that the petitioners are not in possession of the property, the trial Court ought to have dismissed the application instead of granting status quo orders.

Considering the circumstances, the petitioners who failed to make out prima facie case that they are in possession of the schedule of property are not entitled to be granted any sort of relief. Therefore, the orders of the trial Court are liable to be interfered.....”

The order of the lower Appellate Court in C.M.A.No.19 of 2013 dated 17-03-2015 is perfectly in order and it does not warrant any interference.

Accordingly, The Civil Revision Petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions if any, pending shall stand closed.

A.

RAMALINGESWARA RAO, J

Date: 04-12-2015

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