

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.4138 of 2015

ORDER:

The petitioner herein is the defendant in O.S. No.203 of 2013 on the file of the learned Senior Civil Judge, Sathupally, Khammam District. The said suit was filed for permanent injunction in respect of 30 guntas of land situated in Survey No.823/2 of Thallada Village, Thallada Mandal, Khammam District. The plaintiff filed I.A. No.694 of 2013 seeking temporary injunction and the same was granted on 13.11.2014. Challenging the same, the petitioner herein preferred C.M.A. No.24 of 2014 and the same was dismissed on 07.07.2015, confirming the order in I.A. No.694 of 2013 dated 13.11.2014. Challenging the same, the present Civil Revision Petition was filed.

As stated above, the suit was filed in respect of 30 guntas of land situated at Thallada Village, Thallada Mandal, Khammam District and 20 feet joint passage. The application for temporary injunction was filed seeking injunction for enjoyment of the schedule property and free passage. The trial Court, by taking into consideration Ex.P1 and also the photographs under Ex.A4, granted temporary injunction while observing whether 20 feet passage exists or not is the point to be determined after full-fledged trial. The lower appellate Court observed that the plaintiff acquired the petition schedule land by way of Gift Settlement Deed and he has been in possession of the same. The defence, taken by the respondent that there was no passage, was also taken into consideration and it was observed that the existence of passage will come to light only after trial.

In view of the concurrent findings of fact recorded by both

the Courts below, this Court is not inclined to interfere with the order in C.M.A. No.24 of 2014 dated 07.07.2015, confirming the order in I.A. No.694 of 2013 dated 13.11.2014. However, since O.S. No.203 of 2013 is a suit for permanent injunction, the learned Senior Civil Judge, Sathupally, Khammam District, shall endeavour to dispose of the suit as expeditiously as possible, but not later than 30.06.2016.

Accordingly, this Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

20.01.2016

MVA