

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

Civil Revision Petition No.3089 of 2016

ORDER:

Vide present petition, petitioner seeks a direction, thereby to stay all proceedings in IP No.26 of 2014.

2. Learned counsel for the petitioner submits that the petitioner was not a party to IP No.26 of 2014 and therefore, after coming to the knowledge of the petitioner that there was some collusion between the parties, immediately, he filed IA No.877 of 2015. However, the said application is still pending before the trial court. He further submits that the 6th respondent herein is trying to take forcible possession of the property.

3. Learned counsel for the petitioner further submits that the petitioner and two others, namely, Kommineni Narayana and Nadendla Rangaiah, jointly purchased the schedule mentioned property from Svarathri Nagendram for consideration of Rs.30,00,000/- and on receiving the said amount, the said Nagendram executed Possessory Agreement of Sale in favour of the petitioner on 04.02.2013 and delivered vacant possession of the schedule property. Subsequently, Kommineni Narayana and Nadendla Rangaiah jointly received the amounts from the petitioner and thereby relinquished their rights in the schedule property and an endorsement was reduced in to writing on 04.03.2013 on the back of the above Possessory Agreement of Sale. Accordingly, the petitioner became the absolute owner of the petition schedule property and since then she has been in peaceful possession and enjoyment of the same uninterruptedly.

4. Learned counsel for the petitioner further submits that while considering her legal and valid right and possession over the schedule property, the local body i.e., the Commissioner, Narasaraopet Municipality, mutated the name of the petitioner as owner thereof and in fact, the petitioner has been paying the house tax and water tax in respect of the schedule property. The name of the petitioner was also mutated in the Current Records and accordingly, the petitioner has been paying current consumption charges. Thus, no one has any manner of right over the schedule property, including the respondents to take any hasty steps in connection with it.

5. Sri G.B.S.Mohan Kumar, learned counsel appearing on behalf of Sri Ch. Vidyasagar, on instructions from the 6th respondent, submits that the 6th respondent has no objection if IA No.877 of 2015 is decided by the trial court and has assured this court that the 6th respondent in any manner will not disturb the possession of the petitioner.

6. In view of the averments made in the said petition and the facts recorded above, I hereby directs the trial court to decide the application filed by the petitioner i.e., IA No.877 of 2015, within a period of two months from the date of receipt of a copy of this order. I hereby made it clear that till decision taken on the said application, *status-quo* shall be maintained on the schedule property.

7. With the above direction, the civil revision petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this petition, shall stand closed.

SURESH KUMAR KAIT, J

Date: 14.10.2016
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