

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.3462 of 2016

ORDER:

This Civil Revision Petition is filed challenging the order dt.13.04.2016 in CMA.No.10 of 2011 of the Principal Senior Civil Judge, Tadepalligudem confirming the order dt.01.11.2011 in I.A.No. 1319 of 2011 in O.S.No.198 of 2011 of the Principal Junior Civil Judge, Tadepalligudem.

2. Petitioner herein is the defendant in the above suit filed by the respondent against him for perpetual injunction.

3. In the said suit, the respondent filed I.A.No.1319 of 2011 under Order 39 Rules 1 and 2 CPC seeking a temporary injunction restraining the petitioner from interfering with his peaceful possession and enjoyment of the plaint schedule property.

4. On 01.11.2011, the said I.A. was allowed holding that the respondents established *prima facie* possession on the date of filing of the suit and if injunction is not granted, the respondents will suffer irreparable loss and injury.

5. Petitioner questioned the same in CMA.No.10 of 2011 before the Principal Senior Civil Judge, Tadepally.

6. On 13.04.2016, the said CMA was also dismissed confirming the findings for the trial Court.

7. Challenging the same, this Revision is filed.

8. Though the counsel for petitioner contended that the orders passed by both the Courts below are incorrect and warrant interference of this Court in exercise of its jurisdiction under

Article 227 of the Constitution of India, I am of the view that concurrent findings of fact on appreciation of evidence cannot be interfered with, under Article 227 of the Constitution of India.

9. Therefore, this Civil Revision Petition is dismissed directing the Court below to decide the suit within a period of six (06) months from the date of receipt of a copy of this order uninfluenced by the observations/findings given in I.A.No.1399 of 2011 or CMA.No.10 of 2011 or in this Revision. There shall be no order as to costs.

10. Consequently, miscellaneous petitions pending, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

29th July, 2016
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