

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.832 of 2016

ORDER:

This Civil Revision Petition is filed challenging the order dated 10.09.2015 in C.M.A.No.13 of 2014 on the file of II Additional District Judge, Kurnool at Adoni, wherein the lower appellate Court confirmed the order and decree dated 10.06.2014 in I.A.No.769 of 2013 in O.S.No.142 of 2013 of Principal Junior Civil Judge, Adoni.

2. The petitioners herein are defendants and respondent herein is the plaintiff in O.S.No.142 of 2013 on the file of Principal Junior Civil Judge, Adoni, which was filed for permanent injunction. The plaintiff also filed I.A.No.769 of 2013 for temporary injunction and it was allowed on 10.06.2014. Against the same, the defendants filed the above said C.M.A. and the same was dismissed. Aggrieved by the same, the present Civil Revision Petition is filed.

3. Learned counsel for the petitioners submits that both the Courts below have not considered the evidence adduced by the petitioners and only basing on the evidence of respondent/plaintiff, injunction was granted by the trial Court which was confirmed by the lower appellate Court.

4. The trial Court found that the plaintiff is in possession and enjoyment of the suit schedule property as on the date of filing of the suit basing on Exs.P1 to P11 and Exs.R1 to R4. The appellate Court also found that the respondent/plaintiff has got prima facie

case and balance of convenience in her favour. Nothing is brought to the notice of this Court that the findings of both the Courts below are erroneous. More so, the injunction order is subsisting from 10.06.2014.

5. In view of the same, I do not see any error in the concurrent findings of both the Courts below warranting interference of this Court to exercise power under article 227 of the Constitution of India.

6. Accordingly, the Civil Revision Petition is dismissed. The trial Court is directed to dispose of the suit as expeditiously as possible within six months from the date of receipt of a copy of this order without being influenced by any of the above made herein, which are made only to decide this revision against interlocutory order. No costs.

7. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 04-03-2016

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