

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION NO.3281 OF 2016

ORDER:

The first petitioner herein is the plaintiff in O.S.No.136 of 2012 on the file of the Senior Civil Judge, Markapur. She filed the suit against petitioners 2 to 5 and respondents 1 to 8 seeking partition and separate possession of her 1/18th share in the land and RCC building in an extent of 391.11 square yards situated in Markapur Municipality, Prakasam District. Written statement was filed in the suit. The fifth defendant filed I.A.No.953 of 2015 seeking stay of the suit pending disposal of final decree petition in I.A.No.426 of 2009 in O.S.No.77 of 2007 on the file of the VII Additional District Judge, Ongole. When the said application was allowed by order dated 06.04.2006, the present Civil Revision Petition is filed.

O.S.No.77 of 2007 is filed by the predecessors in interest of the present parties seeking partition wherein the petitioners and the first respondent predecessor was given 1/3rd share in the preliminary decree passed on 04.03.2009. It is stated that the appeal against the said preliminary decree was also dismissed and now final decree proceedings are pending in I.A.No.426 of 2009. It is also admitted by the parties that the original parties in the said suit expired and the present parties are impleaded as legal representatives of the original parties. They have been contesting the proceedings pending in the Court of the VII Additional District Judge, Ongole.

The present suit is filed seeking 1/18th share out of the 1/3rd share allotted to her father. The trial Court, in view of the identity of the subject matter and also involvement of the interest of the present plaintiff

in the pending proceedings, granted stay till disposal of the final decree petition in I.A.No.426 of 2009 on the file of the VII Additional District Judge, Ongole. The order was passed taking into the facts of the case and this Court sees no error warranting interference.

The Civil Revision Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

11th November 2016
RRB

