

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 1976 of 2017

ORDER:

1) Assailing the order, dated 21.12.2016, passed in C.M.A.No.21 of 2016 on the file of the IX Additional District Judge, Chittoor, the present Civil Revision Petition came to be filed under Article 227 of the Constitution of India.

2) The facts in issue are as under:

Originally O.S.No.35 of 2015 came to be filed by the petitioner seeking permanent injunction against the owners of the property. The said suit was decreed exparte. Pending the said suit, the original owners, who are defendants in the said suit, sold away the property to the respondent herein. Challenging the said exparte decree, A.S.No.109 of 2015 came to be filed before the VIII Additional District Judge, Chittoor, which was allowed on 01.08.2016 remanding the matter back to the trial Court. Pursuant to the said order, the trial Court took O.S.No.35 of 2015 on file and dismissed the same for default on 20.01.2017. The reason given for dismissal of the suit was that the plaintiff was continuously absent and there was no representation on his behalf. Thereafter, the petitioner herein, is said to have filed

I.A.No.180 of 2017 seeking to set aside the dismissal order, which is pending consideration. While things stood thus, the petitioner herein filed another suit vide O.S.No.224 of 2015 seeking permanent injunction against the respondent herein, who is subsequent purchaser, making an allegation that the respondent herein is interfering with the property in dispute. Along with the suit, the petitioner also filed I.A.No.477 of 2015 seeking ad-interim temporary injunction, which was rejected on 25.11.2015. Aggrieved by the same, the petitioner filed C.M.A.No.21 of 2016. By its judgment dated 21.12.2016, the learned IX Addl. District Judge, Chittoor, rejected the said C.M.A. Challenging the same, the present Civil Revision Petition is filed.

3) Heard Sri L.J.Veera Reddy, learned counsel appearing for the petitioner and Sri B.Siva Kesava Reddy, learned counsel appearing for respondent.

4) Both the counsel urged contended that their parties are in possession of the property. Learned counsel for the petitioner placed reliance on Ex.P3-electricity demand notices, Exs.C1 and C2, the report of advocate-commissioner and photos and also the observations made by the trial Court to show that the petitioner is in possession of the property. While disputing the same the learned counsel for the

respondent placed reliance on Exs.R1 to R7 to show that his client is in possession of the property.

5) As stated earlier, both the parties are claiming to be in possession of the property basing on the findings of the trial Court and the documents. Both the counsel further state that if any findings are given by this Court with regard to possession, the same may affect their case before the trial Court in the main suit. Hence, they agreed that the Civil Revision Petition may be disposed of directing the parties to maintain *status quo* with regard to possession.

6) Having regard to the above, the Civil Revision Petition is disposed of directing both the parties to maintain *status quo* obtaining as on today with regard to possession till the disposal of the suit. The trial Court shall proceed with the suit and dispose of the same as early as possible.

7) There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

04.08.2017
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