

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

C.R.P.No.4186 of 2017

ORDER:

Heard the learned counsel for the petitioners and Sri N.Srihari,
learned counsel for the respondent.

2. This Revision Petition is filed assailing the order dt.28-01-2017 in C.M.A.No.4 of 2016 of the Senior Civil Judge, Tadepalligudem confirming the order dt.22-01-2016 in I.A.No.910 of 2015 in O.S.No.146 of 2015 of the Principal Junior Civil Judge, Tadepalligudem.

3. The petitioners herein are defendants in the said suit. The respondent-plaintiff filed the said suit for a perpetual injunction restraining the petitioners from interfering with her peaceful possession and enjoyment of the plaint schedule property pending the suit. She filed I.A.No.910 of 2015 seeking temporary injunction under Order 39 Rules 1 and 2 restraining the petitioners from interfering with her possession and enjoyment of the property pending suit.

4. Counter affidavit was filed by the petitioners opposing the said relief.

5. On 22-01-2016, the Principal Junior Civil Judge, Tadepalligudem granted temporary injunction pending suit against the petitioners.

6. Assailing the same, the petitioners filed C.M.A.No.4 of 2016 before the Senior Civil Judge, Tadepalligudem. The said appeal was also dismissed on 28-01-2017.

7. Assailing the same, this Revision Petition is filed.

8. Learned counsel for the petitioners contended that orders passed by both the trial Court as well as lower appellate Court cannot be sustained and that they have not properly appreciated the evidence on record while granting relief to the respondent.

9. Learned counsel for the respondent, on the other hand, supported the orders passed by both the Courts below.

10. Both the Courts below have given *prima facie* findings about the possession of the respondent and on that basis granted temporary injunction in favour of the respondent.

11. In this view of the matter, I am of the opinion that no case is made out by the petitioners for intervention by this Court by exercising jurisdiction under Article 227 of the Constitution of India. However, the trial Court is directed to decide the suit expeditiously uninfluenced by any observations in its own order dt.22-01-2016 in I.A.No.910 of 2015 in O.S.No.146 of 2015, the order dt.28-01-2017 in C.M.A.No.4 of 2016 of the Senior Civil Judge, Tadepalligudem or the order passed in this Revision Petition by this Court.

12. Accordingly, the Civil Revision Petition is disposed of
No costs.

13. As a sequel, the miscellaneous petitions pending, if any,
shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-09-2017

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