

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 3361 OF 2016

ORDER :

This Revision is directed against the Order dated 04.03.2016 in C.M.A. No. 6 of 2013 on the file of the Senior Civil Judge's Court at Kovur.

The petitioner herein is the plaintiff, who filed O.S.No. 196 of 2011 on the file of the Principal Junior Civil Judge's Court at Kovur seeking permanent injunction restraining the respondents - defendants and their men from interfering with his peaceful possession and enjoyment over the plaint schedule property. Therein, the petitioner has also taken out I.A. No. 825 of 2011 for temporary injunction. The said Application was dismissed by the order dated 08.08.2013, against which, C.M.A. No. 6 of 2013 was preferred. The said Appeal was also dismissed by the Order impugned in this Revision.

The case of the petitioner - plaintiff is that though the entire documentary evidence, particularly Exs. P4 and P6, Adangals for the Faslis 1419 and 1420 corresponding to the years 2009-10, 2010-11 and 2013-14, supports the factum of his being in possession of the subject land, which was allotted to him in 1984, both the Courts below did not take the same into consideration. In those circumstances, the petitioner submits that rejection of interim injunction by the Courts below is erroneous.

Respondent No.1 was reported to have died. Though the notice issued by this Court on 27.08.2016 was served on the other

respondents, proof of service of which has also been filed, no representation has been made on their behalf.

Heard learned counsel for the petitioner.

From a perusal of the Orders impugned in this Revision, it appears, both the Courts below have taken into account and consideration the Order of the High Court dated 29.09.2011 in Writ Petition No. 26908 of 2011, which was filed challenging the letter dated 14.09.2011 addressed by the District Collector to the Tahsildar directing resumption of the land allotted to the petitioner. The said Writ Petition was disposed of leaving it open to the respondents to take action for resumption of the land of the petitioner, in accordance with law, after putting him on notice and affording an opportunity of hearing.

Further, it is also to be kept in mind that the suit was filed seeking injunction. The Courts below, having taken into account all the material that is required to be considered at the interlocutory stage, *prima facie* found that the petitioner was not in possession of the land and hence, refused to grant injunction. In those circumstances, this Court is not inclined to interfere with the said Orders, especially considering the fact that the suit is at the stage of trial and P.W.1 has already filed his affidavit in lieu of chief-examination. However, this Court is of the considered opinion that the interests of justice would be better served if the suit, which is of the year 2011, is directed to be disposed of as expeditiously as possible, at any rate within six months from the date of receipt of a copy of this Order.

It is made clear that the suit shall be disposed of on its own merits, uninfluenced by any of the observations made by the Courts below while deciding the I.A. as well as the C.M.A., particularly the *prima facie* findings recorded in I.A. No. 825 of 2011.

Subject to the above, the Civil Revision Petition is disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

27th January 2017

ksld

CHALLA KODANDA RAM, J

