

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

S.A.M.P.No.1333 OF 2017
IN/AND
SECOND APPEAL No.633 OF 2013

COMMON ORDER:

Heard Sri V.S.R.Anjaneyulu, learned counsel for the petitioner-appellant.

2. The appellant is the plaintiff in O.S.No.40 of 1992 on the file of the Senior Civil Judge, Khammam, and also the appellant in A.S.No.25 of 2000 before the first appellate Court i.e., II-Additional District Judge (Fast Track Court-I), Khammam. The appellant as plaintiff sought the relief of declaration of title and permanent injunction concerning open plot described in the plaint schedule. The learned Senior Civil Judge, Khammam, partly decreed the suit by granting permanent injunction against defendant Nos.1 to 3 and dismissed the suit with regard to the declaration of title and for perpetual injunction against defendant Nos.4 and 5. Aggrieved over the same, he preferred the first appeal in A.S.No.25 of 2000 before the II-Additional District Judge (Fast Track Court-I), Khammam. He was unsuccessful before the first appellate Court. Further aggrieved over the same, he preferred the present second appeal.

3. The appellant has also filed S.A.M.P.No.1333 of 2017 requesting to reserve his right to continue the second appeal or for revival of the second appeal if the regularization is not effected as there has been promise with regard to the issue of regularization of the petition schedule property by the respondents. This application is

filed under Section 151 C.P.C. though the relevant provision is Order XXIII sub-rule (3) of Rule (1) of the Code of Civil Procedure 1908.

4. Reserving the right as requested by the petitioner-appellant, S.A.M.P.No.1333 of 2017 is allowed. Consequently, the second appeal stands disposed of.

5. As a sequel thereto, Miscellaneous Petitions, if any, pending in the second appeal stand closed.

A. SHANKAR NARAYANA, J

6th July 2017

Note:

Issue C.C. by tomorrow.

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