

THE HON'BLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION No.5028 OF 2016

ORDER:

Heard Sri G. Venkata Reddy, learned counsel for the petitioner and Ms. S. Anvesha, learned counsel for the respondents.

The appellant in C.M.A. No.2 of 2014 in the Court of V-Additional District Judge, Kurnool is the revision petitioner. The revision is directed against the order dated 29.08.2016 in I.A.No.1208 of 2014 filed under Order 41 Rule 27 of Civil Procedure Code (for short, 'the Code') to receive the order dated 6.9.2014 of the Joint Collector, Kurnool in Case No.RC.D5/2983/2010. The revision petitioner filed C.M.A. No.2 of 2014 against the order dated 4.2.2014 in I.A.No.598 of 2012 whereunder temporary injunction is granted to respondents herein.

I have perused the order impugned in the Civil Revision Petition. The Appellate Court was not inclined to grant permission under Order 41 Rule 27 of the Code to receive order dated 6.9.2014 of the Joint Collector, Kurnool in Case No.RC.D5/2983/2010 having regard to the order passed by this Court in W.P.No.29174 of 2014.

Mr. G. Venkata Reddy, for the petitioner, fairly submits that to this extent reference by the Appellate Court is factually correct and no exception can be taken. *Status quo* order in fact has been granted by this Court. Once, this Court has granted status quo in W.P.No.29174 of 2014, considering the order of Joint Collector, which is under challenge in writ petition and appreciating the merits of the order passed by the trial Court in I.A.No.595 of 2012 may not be proper and legal.

This Court is constrained to observe that the proceeding now sought to be relied upon by the revision petitioner arises under the

Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 and it is no more *res integra* that the Civil Courts are entitled to consider flow of title, entitlement of parties to such proceedings when an issue of title canvassed. As I am in agreement with the findings recorded by the trial Court, I do not see reason to interfere with the order under Revision.

Civil Revision Petition is accordingly dismissed. The Appellate Court is directed to dispose of C.M.A. No.2 of 2014 within two months from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, pending if any in this Revision Petition, shall stand closed.

Dt. 25.01.2017
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S.V. BHATT, J.