

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**CIVIL REVISION PETITION No.368 of 2017**

**ORDER:**

The Civil Revision Petition is filed by against the order dated 19.04.2016 passed in C.M.A. No.11 of 2012 by the learned Principal District Judge at Nalgonda.

2) Heard learned counsel for the petitioner/ appellant/ plaintiff as well as Sri Papaiah Peddakula, learned counsel for the respondents/ defendants and perused the impugned order passed dated 19.04.2016 in C.M.A. No.11 of 2012 passed by the Principal District Judge, Nalgonda, dismissing the C.M.A while confirming the trial Court's injunction application, dismissal order dated 04.01.2012 passed in I.A. No.375 of 2011 in the O.S. No.30 of 2011 by the Senior Civil Judge, Bhongir.

3) The suit in O.S. No.30 of 2011 is filed for the relief of declaration of title and permanent injunction in relation to Ac. 2.07 gts in S.No.222/6 of Mallapuram Village, Yadagirigutta Mandal, Nalgonda District now Yadadri Bhuvanagiri District.

4) In fact, a perusal of the orders of both the Courts below, for this Court, while sitting in revision, from the very limited scope, no way requires interference in granting the relief of temporary injunction pending disposal of the suit. It is even from the submission of learned counsel for the revision petitioner that the Courts below went wrong, if at all, can come to a conclusion that non-making of any of the three requirements i.e., prima facie case, balance of convenience and irreparable injury, for not the

same be all and end all, to dismiss the application rather than to impose terms as per the settled law from the expression of this Court in ***Saraswathi v. Dr.Jaganmohan Rao***<sup>1</sup> and ***Dasari Laxmi vs Bejjenki Sathi Reddy & another***<sup>2</sup>.

5) Having regard to the above, the revision is disposed of by giving liberty to the petitioner for filing an application to seek for appointment of receiver or Commissioner or to impose terms as to deposit of any amounts time to time pending disposal of the suit to continue the respondents in possession as custodia legis or the like. It is also made clear that none of the observations of the Courts below impugned in the revision or herein this order shall influence the mind of the trial Court in final result of suit but for to decide on its own merits and with a further direction to dispose of the suit, preferably within four (4) months from the date of receipt of a copy of this order. No order as to costs.

6) Consequently, miscellaneous petitions pending, if any, in this revision shall stand closed.

**JUSTICE Dr. B.SIVA SANKARA RAO**

Date: 14.07.2017  
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<sup>1</sup> 1985 (1) APLJ 277

<sup>2</sup> CRP No.76 of 2014

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**C.R.P. No.368 of 2017**



Date:14.07.2017

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