

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1714 OF 2017

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, is filed challenging the order dated 24.01.2017 in C.M.A. No.21 of 2015 passed by the Judge, Family Court-cum-VII Additional District and Sessions Judge, Medak at Sangareddy, whereby the order dated 21.08.2015 in I.A. No.52 of 2015 in O.S. No.22 of 2015 passed by the Principal Junior Civil Judge, Sangareddy, was modified, directing the parties to maintain status-quo as on the date of filing the petition, till disposal of the suit.

The petitioner filed suit in O.S. No.22 of 2015 for injunction simplicitor and filed an application under Rules 1 and 2 of Order XXXIX of the Code of Civil Procedure, 1908 (for short 'CPC') for grant of temporary injunction during pendency of the suit restraining the respondents and their men from interfering with his possession and enjoyment of A and B schedule properties, claiming that he is in possession of the schedule property, alleging that the respondents are threatening to interfere with the enjoyment of the petitioner.

Upon hearing argument of both the counsel and considering the material available on record, the trial court granted an interim injunction.

Aggrieved by the order passed by the trial court in I.A. No.52 of 2015 in O.S. No.11 of 2015, the petitioner preferred CMA No.21 of 2015. But the appellate court, while considering the entire

material on record, observed that when both the parties are claiming possession over the property and filed suits which are pending before the courts, the circumstances may lead to dangerous situation of passing of conflicting orders and judgment. At paragraph 38 of the order, the appellate court again recorded that considering rival contentions regarding possession of both the parties, directed the parties to maintain *status-quo* without recording any finding as to who is in possession of the property.

Granting of such *status-quo* may lead to consequences and some times it may lead to blood shed, since both parties are claiming possession over the schedule property and they cannot prove their effective possession on the vacant land.

In **Sri Gudla Suryanarayana Reddy @ Major Suri @ N.G.S. Swamy S/o. late Narayana Swamy and Ors., v. Sri Gudla Kanaka Rao s/o. Late Sriramulu Reddy and Ors.,**¹ this court while dealing with a similar situation held that granting such *status-quo* without recording any finding as to who is in possession is illegal. If the principle laid down in the above judgment is applied to the present facts of the case, the order passed by the appellate court is unsustainable and therefore, the order passed by the appellate court is liable to be set aside.

In the result, the appeal is allowed setting aside the order dated 24.01.2017 in CMA No.21 of 2015 passed by the Judge, Family Court-cum-VII Additional District and Sessions Judge, Sangareddy, remanding the CMA to VII Additional District and Sessions Court, while directing the learned Judge to decide the

¹ 2010(5) ALD 536

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appeal, in accordance with law, within two months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petition, if any, pending in the civil revision petition shall stand closed.

M.SATYANARAYANA MURTHY, J

20.07.2017
BV

