

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.1992 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, came to be filed assailing the order dated 14.12.2016 passed in CMA No.19 of 2016 by the IX Additional District Judge, Chittoor.

The facts leading to filing of this revision are as follows:

The petitioners herein are the plaintiffs in O.S.No.333 of 2013 on the file of the Principal Senior Civil Judge, Chittoor, filed for partition of suit schedule properties. In said suit, petitioners filed I.A.No.860 of 2015 under Order IXL Rule 1 and 2 of the Code of Civil Procedure seeking to restrain defendants 3 and 4 from making further construction i.e. raising any super structure, over the plaintiff 'B' schedule property. Earlier, in I.A.No.648 of 2014, the trial Court granted an order of *status quo*. In spite of knowing the said fact, the defendant Nos.3 and 4 have purchased the 'B' schedule property from defendant No.2 and also proceeded with construction therein. Aggrieved by the same, plaintiffs filed I.A.No.860 of 2015, which was dismissed by the trial Court. Questioning the same, plaintiffs filed CMA No.19 of 2016, which was also dismissed by the IX Additional District Judge, Chittoor, vide judgment dated 14.12.2016. Aggrieved by the same, present revision is filed.

Heard Sri T.C.Krishnan, learned counsel for the petitioners, and Sri D.Seshasayana Reddy, learned counsel for respondents. Perused the material on record.

Though various grounds are raised in the revision, the learned counsel for the petitioners would submit that *in spite* of there being an order of *status quo* passed by the trial Court in I.A.No.648 of 2014, defendant Nos.3 and 4 are proceeding with further construction in 'B' schedule property. He further submits that steps have also been taken for initiation of contempt proceedings.

On the other hand, the learned counsel for the respondents would submit that since defendants 3 and 4 are the bonafide purchasers of the property from defendant No.2, the question of preventing them from making further construction would not arise, unless there is an order to that effect.

As seen from the material on record, the main suit is for partition of properties between the plaintiffs and defendant Nos.1 and 2. The property purchased by defendants 3 and 4, is also subject matter of suit. It is not in dispute that the construction of the factory over the property is over and the same is also being put to use by defendants 3 and 4. Therefore, at this point of time, there is no point in directing defendants 3 and 4 not to use the premises, which is already put to use by them. But, however, in view of the *status quo* order granted by the trial Court, which both the parties agree to be in force, defendants 3 and 4 are directed not to proceed with further construction in 'B' schedule property. However, this order shall not prevent them from carrying on business in the said premises by using the existing structures.

It is further observed that if any objection is raised by the defendants with regard to maintainability of the suit, the same shall be considered in accordance with law.

With above directions, the Civil Revision Petition is disposed of. However, having regard to the facts and circumstances of the case, the trial Court is directed to dispose of the suit as early as possible, preferably within a period of six-eight months from the date of receipt of a copy of this order.

Miscellaneous petitions pending in this revision, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

21.08.2017
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