

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4658 of 2016

Date: 02.06.2017

Between:

Sri Sai Krupa Bhaktha Seva Samajam
rep. by its President Battula Sudarshan Rao

... Petitioner

and

Sri Kandarpa Nageswar Rao and 5 others

... Respondents

Counsel for the Petitioner: Mr.K.Purushotham

Counsel for respondent No.1: Mr.Y.Sudhakar

The Court made the following:



Order:

This Civil Revision Petition arises out of Order and Decree, dated 01-07-2016, in EA.No.48 of 2016 in EA.No.507 of 2011 in EP.No.171 of 2009 in OS.No.249 of 1998 on the file of the VI Additional Senior Civil Judge, Visakhapatnam.

I have heard Mr.K.Purushotham, learned Counsel for the petitioner, and Mr.Y.Sudhakar, learned Counsel for respondent No.1.

Respondent No.1 has filed the aforesaid suit in the name of Sri Sai Krupa Bhakta Seva Samajam (for short 'the Samajam') against respondent Nos.2 to 6 for declaration that he is the President –cum- Secretary of the plaintiff - Temple and for a consequential relief to put him in possession of the said Temple for its management after evicting respondent Nos.2 to 6. On contest, the suit was decreed on 24.11.2006. The said decree has attained finality. The petitioner, who is a third party to the suit, filed EA.No.507 of 2011 under Order XXI Rule 97 read with Section 151 CPC for declaration that the objections recorded by him are genuine and to declare him as President –cum- Secretary of the Samajam as having been validly elected on 21.08.2011. While this Application was pending, the petitioner has filed EA.No.48 of 2016

for appointing an Advocate-Commissioner to note down the physical features of the EP schedule property, more so, with respect to the boundaries where the Temple is in existence and to take down its photographs. This Application having been dismissed by the lower Court, the petitioner has filed this Civil Revision Petition.

From the facts narrated above, it is evident that the petitioner is disputing the status of respondent No.1 as the President –cum- Secretary of the Samajam. This issue having been raised in EA.No.507 of 2011, it needs to be adjudicated in the said EA itself. It is not the pleaded case of the petitioner that his personal interests would be affected, if the possession of the EP schedule property is recovered from respondent Nos.2 to 6 and entrusted to respondent No.1 being the purported President –cum- Secretary. If at all the boundaries shown in EP.No.171 of 2009 do not reflect the true boundaries of Temple, at the most, respondent Nos. 2 to 6, who are in possession thereof, should feel aggrieved. When they have not raised any objection thereto, I am unable to understand as to how the petitioner is interested in getting the boundaries fixed. Evidently, respondent Nos.2 to 6 have set up the petitioner for filing EA.No.48 of 2016. On the facts and circumstances of the case, the lower Court has rightly dismissed the EA. Hence, I do not find any merit in the Civil Revision Petition and the same is,

accordingly, dismissed. As the petitioner indulged in vexatious litigation, he is mulcted with costs of Rs.10,000/- payable to the Chief Justice Relief Fund within one month from the date of receipt of a copy of this order.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.6053 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

Dt: 2nd June, 2017
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(C.V.Nagarjuna Reddy, J)

