

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3926 OF 2017

DATED:27-10-2017

Between:

Namala Venkat Rao ... Petitioner

And

Namala Narasimha
and others ... Respondents

COUNSEL FOR THE PETITIONER: Smt. Bokaro Sapna Reddy

COUNSEL FOR THE RESPONDENTS: Mr. G. Rama Goapal



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.06.04.2017 in C.M.A.No.14 of 2016 on the file of the I Additional District Judge, At Visakhapatnam, whereby he has dismissed the said C.M.A. by confirming order dt.23.02.2016 in I.A. No.20 of 2016 in O.S. No.18 of 2016 on the file of the I Additional Junior Civil Judge, Visakhapatnam.

A perusal of the record shows that the petitioner filed the aforementioned suit for declaration that the building plan submitted by respondent Nos.1 to 3 and approved by respondent No.4 under the proceedings in B.A. No.15822/2013/ACP-14/G2, dt.11.02.2015, for construction of the building in the suit schedule property is illegal and void, and for a consequential injunction restraining respondent Nos.1 to 3 from making any constructions or developmental work of any nature or from interfering with the petitioner's rights over the undivided 1/4th share of the suit schedule property. The petitioner filed I.A. No.20 of 2016 for injunction restraining respondent Nos.1 to 3 and the persons claiming through them from proceeding with the construction or developmental work or from interfering with the peaceful possession and enjoyment of the suit schedule property by the petitioner. On contest, the

said I.A. was dismissed by the trial Court. The lower appellate Court dismissed C.M.A. No.14 of 2016 filed by the petitioner against the said order of the trial Court.

At the hearing, learned counsel for the petitioner has submitted that as the injunction was declined by the Courts below, respondent Nos.1 to 3 have completed construction of the building and that the trial in the suit has been commenced. She therefore requested for protecting the interests of the petitioner.

As the I.A. filed by the petitioner was for injunction simpliciter regarding construction and alleged interference, with the completion of the construction the prayer therein has become infructuous. As regards the submission of the learned counsel for the petitioner that interests of her client may be protected, once the cause in the revision petition became infructuous, it is not appropriate to issue any further direction. The petitioner, however, has to work out his remedies in the pending suit.

Subject to the above observations, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition,
C.R.P.M.P. No.5162 of 2017 shall stand disposed of as
infructuous.

C.V. NAGARJUNA REDDY, J

27-10-2017

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