

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.5830 OF 2017

ORDER:

This Civil Revision Petition is filed by the defendant aggrieved by the order dated 3-10-2017 in C.M.A.No.4 of 2016 passed by the learned Senior Civil Judge, Narayanpet whereunder, the learned judge set aside the order dated 13-4-2016 in I.A.No.41 of 2015 in O.S.No.17 of 2015 passed by the learned Junior Civil Judge, Narayanpet and allowed I.A.No.41 of 2015 and granted temporary injunction in favour of the plaintiff over the suit schedule property restraining the defendant from alienating the suit schedule property till disposal of the suit.

Heard the learned counsel.

The petitioner/defendant claims the suit property on the strength of Ex.R.1 unregistered sale deed dated 25-6-1992 said to have been obtained by his mother which she allegedly gifted in his favour under Ex.P.17 gift settlement deed dated 13-2-2015. Whereas the case of the plaintiff is that the suit property was purchased by their father under Ex.P.1 registered sale deed dated 16-7-1974.

Trial court dismissed the injunction petition. However, the lower appellate court allowed the injunction petition on the observation that the mother of the defendant has taken different inconsistent pleas regarding the origin of title in her favour in Exs.P.7, P.9 and P.17 and that she hurriedly executed Ex.P.17 settlement deed and if injunction is not granted, it may lead to multiplicity of proceedings.

Learned counsel for the respondent/plaintiff carried me through Exs.P.7, P.9 and P.17 and argued that under Ex.P.7 reply notice at para 4, the mother of the defendant stated as if she obtained the suit property by an unregistered simple sale deed dated 25-6-1992; whereas in Ex.P.9 at para2, she stated as if she got suit property in an oral family partition between herself and her family members and in Ex.P.17 settlement deed dated 13-2-2015 at para 2, she referred the same property as her ancestral property. Thus, as submitted by the learned counsel for the respondent/plaintiff, the mother of the defendant took different stands as narrated above with regard to the origin of the property in her favour. As rightly observed by the lower appellate court, if the defendant is not restrained by way of injunction pending disposal of the suit and if he makes any alienation on the strength of Ex.P.17 settlement deed pending disposal of the suit, it would lead to multiplicity of proceedings as apprehended by the court. Therefore, the appellate court has rightly granted injunction in favour of the plaintiff and I see no perversity or illegality in the order impugned. It is made clear that petitioner/defendant can vindicate his stand during trial. As the matter stands, there are no merits in the C.R.P. to set aside the order impugned.

Accordingly, this Civil Revision Petition is dismissed. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE U.DURGA PRASAD RAO

Dated 22nd December, 2017.

Dvs

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



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Dated 22nd December, 2017.

Dvs